

OHIO

House

of

Representatives

JOURNAL

TUESDAY, MARCH 14, 2006

ONE HUNDRED FIFTY-THIRD DAY
Hall of the House of Representatives, Columbus, Ohio
Tuesday, March 14, 2006 at 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Reverend Greg Jackson of the 1st Southern Baptist Church in Camden, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of the previous legislative day was read and approved.

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

The Lima Central Catholic High School boys golf team received H. R. No. 139, presented by Representative Willamowski-4th district.

Casey Chapman, a guest of Representative D. Stewart-25th district.

Lonnie Bowling, a guest of Representative Raussen-28th district.

Chris Gleason, a guest of Representative Allen-39th district.

Dale Distel, wife, Representative Distel-99th district.

Chris and Sharon Castrilla, guests of Representative Distel-99th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 530-Representative Calvert.

To amend sections 9.41, 9.901, 101.543, 107.40, 109.57, 109.572, 113.09, 113.11, 113.12, 117.45, 117.46, 117.47, 117.48, 120.36, 120.52, 120.521, 120.53, 121.04, 121.11, 121.37, 122.17, 122.171, 122.72, 122.73, 122.74, 122.90, 124.09, 124.11, 124.137, 124.138, 124.139, 124.14, 124.151, 124.152, 124.18, 124.181, 124.182, 124.321, 124.327, 124.382, 124.384, 124.387, 124.389, 124.391, 124.82, 124.821, 124.822, 124.823, 124.84, 125.21, 126.07, 126.21, 126.22, 131.01, 131.02, 131.33, 133.01, 133.04, 133.06, 133.18, 141.08, 141.10, 145.70, 173.14, 173.39, 173.391, 173.41, 184.20, 307.76, 319.301, 340.021, 742.57, 901.23, 955.011, 955.16, 955.43, 1317.07, 1333.11, 1523.02, 1901.31, 1901.311, 1901.32, 1901.33, 2151.357, 2305.2341, 2503.20, 2913.01, 2913.02, 2921.321, 2923.46, 2925.44, 2933.43, 3109.14, 3307.32, 3309.68, 3310.03, 3310.06, 3313.29, 3313.61, 3313.64, 3313.6410, 3313.813, 3314.02, 3314.08, 3314.26, 3314.35, 3314.36, 3315.01, 3317.01, 3317.015, 3317.02, 3317.021, 3317.022, 3317.024, 3317.029, 3317.0216, 3317.03, 3317.051, 3317.053, 3317.06, 3317.07, 3317.082, 3317.11, 3317.19, 3318.37, 3319.17, 3323.13, 3345.05, 3353.02, 3354.10, 3355.07, 3357.10, 3358.06, 3365.02, 3375.121, 3381.07, 3381.15, 3381.17, 3517.152, 3701.041, 3705.242, 3734.57, 3735.67, 3745.114, 3773.33, 3773.43, 3773.51, 3773.52,

3773.56, 3905.43, 4109.01, 4109.02, 4109.06, 4109.07, 4117.01, 4303.29, 4501.31, 4506.11, 4507.13, 4507.52, 4513.263, 4709.05, 4709.06, 4713.05, 4713.06, 4713.141, 4717.03, 4725.05, 4725.06, 4725.34, 4725.45, 4725.46, 4732.06, 4732.14, 4734.05, 4734.54, 4736.03, 4736.06, 4741.03, 4741.171, 4741.25, 4743.05, 4752.08, 4752.09, 4752.18, 4753.04, 4753.11, 4755.03, 4755.04, 4755.13, 4757.05, 4757.31, 4758.15, 4758.21, 4759.04, 4759.08, 4761.02, 4761.03, 4761.07, 4766.02, 4766.05, 4771.22, 4775.04, 4775.05, 4775.06, 4775.08, 4779.06, 4779.08, 4779.17, 4779.18, 4781.03, 4781.04, 4781.05, 4781.13, 5111.061, 5111.081, 5111.20, 5111.231, 5111.27, 5111.31, 5111.88, 5111.882, 5111.889, 5111.8811, 5111.8812, 5112.08, 5112.18, 5112.31, 5115.04, 5123.196, 5139.50, 5505.27, 5531.10, 5577.99, 5703.21, 5703.57, 5705.03, 5705.195, 5705.34, 5709.081, 5709.40, 5709.42, 5709.43, 5709.73, 5709.74, 5709.75, 5709.78, 5709.79, 5709.80, 5711.01, 5725.221, 5727.06, 5727.85, 5729.05, 5733.01, 5733.352, 5733.56, 5733.98, 5735.27, 5739.011, 5739.026, 5739.211, 5741.031, 5743.025, 5743.03, 5743.04, 5743.05, 5743.08, 5743.081, 5743.12, 5743.13, 5743.15, 5743.33, 5743.34, 5743.35, 5745.01, 5747.01, 5747.012, 5747.05, 5747.056, 5747.11, 5747.331, 5748.01, 5748.02, 5751.01, 5751.011, 5751.032, 5751.04, 5751.05, 5751.051, 5751.10, 5751.20, 5751.21, 5751.22, and 5751.53; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 117.45 (126.35), 117.46 (126.36), 117.47 (126.37), 117.48 (126.38), 173.41 (173.394), 5111.081 (5111.942), 5111.082 (5111.081), 5111.083 (5111.082), 5111.084 (5111.083), and 5111.085 (5111.084); to enact new sections 3325.12 and 3365.11 and sections 121.086, 131.022, 173.27, 333.01, 333.02, 333.03, 333.04, 333.05, 333.06, 333.07, 3314.18, 3323.143, 4303.207, 5111.8813, 5111.8814, 5111.8815, 5111.8816, 5111.8817, 5111.941, 5111.943, 5112.311, 5502.261, 5531.101, 5701.11, 5705.211, 5725.222, 5725.98, 5729.101, 5729.102, 5729.98, 5743.021, 5743.321, 5748.011, and 5919.19; and to repeal sections 3325.12, 3325.17, 3365.11, and 4732.04 of the Revised Code; to amend Section 3 of Sub. H.B. 11 of the 126th General Assembly; to amend Sections 203.09, 203.12, 203.12.12, 203.45, 203.51, 203.54, 203.66, 203.69, 203.84, 203.87, 203.99.01, 203.99.48, 206.03, 206.09.12, 206.09.15, 206.09.21, 206.09.27, 206.09.36, 206.09.39, 206.09.42, 206.09.66, 206.09.84, 206.16, 206.48, 206.66, 206.66.22, 206.66.23, 206.66.36, 206.66.64, 206.66.66, 206.66.84, 206.66.85, 206.66.91, 206.67.15, 206.67.21, 206.99, 209.04, 209.06.06, 209.06.09, 209.09.06, 209.09.18, 209.15, 209.18, 209.18.09, 209.24, 209.30, 209.33, 209.36, 209.45, 209.63, 209.63.42, 209.64.60, 209.75, 209.81, 209.90.06, 212.03, 212.24, 212.27, 212.30, 212.33, and 315.03 of Am. Sub. H.B. 66 of the 126th General Assembly; to amend Sections 23 and 23.01 of Am. Sub. S.B. 189 of the 125th General Assembly; to amend Sections 19.01, 20.01, 23.12, and 23.45 of Am. Sub. H.B. 16 of the 126th General Assembly, as subsequently amended; to amend Sections 203.06.06 and 203.06.24 of Am. Sub. H.B. 68 of the 126th General Assembly, as subsequently amended; and to amend Section 22 of Am. Sub. S.B. 189 of the 125th General Assembly, as subsequently amended, to make capital appropriations for the biennium ending June 30, 2008, to make certain

supplemental and capital appropriations and to provide authorization and conditions for the operation of state programs.

H. B. No. 531-Representatives Blasdel, Carmichael, Gibbs, Hagan, Fende, Gilb, Dolan, Hoops, Buehrer, Reidelbach, Evans, C., Bubb, Latta, Distel, Hood, Trakas, Cassell, Schaffer, Law, Wagoner, Reinhard, Uecker, Faber, Fessler, Mitchell, Book, Hartnett, Taylor, Wagner, McGregor, R., Carano, Boccieri, Patton, S., Harwood, Coley.

To amend sections 3718.02 to 3718.05 of the Revised Code to revise the requirements governing sewage treatment systems rules that the Public Health Council must adopt and to require the Director of Health to adopt rules developed with the Sewage Treatment System Advisory Committee that establish standards and guidelines for approving a sewage treatment system or components of a system.

H. B. No. 532-Representatives Fessler, Seitz, McGregor, J., Evans, C., Fende, Perry, Chandler, Reidelbach, McGregor, R..

To amend section 5104.01 of the Revised Code to modify the definition of "child-care staff member."

H. B. No. 533-Representatives Webster, Combs, McGregor, J., Reidelbach, Fessler, Coley, Otterman, Latta, Allen, Walcher.

To amend sections 955.11 and 955.221 of the Revised Code to remove pit bulls from the definition of "vicious dog" in state law and to authorize the adoption of local ordinances or resolutions that define "dangerous dog" and "vicious dog" more broadly than state law defines those terms.

H. B. No. 534-Representatives Setzer, Hoops, Fessler, McGregor, J., Williams, Reidelbach, Hartnett, Willamowski, Gilb, Fende, Skindell, Latta, Bubb, Collier, Distel, McGregor, R., Boccieri, White, Law.

To amend sections 917.01, 917.02, 917.04, and 917.05 and to enact section 917.25 of the Revised Code to revise the law governing the gift or sale of raw milk to ultimate consumers.

Said bills were considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 287**-Representative Aslanides, et al., were taken up for consideration.

Sub. H. B. No. 287-Representatives Aslanides, Kearns, Carmichael, Gibbs,

Perry, McGregor, J., Dolan, Collier, Hood, Beatty, Reidelbach, Barrett, Boccieri, Brown, Carano, Daniels, DeBose, Domenick, Evans, D., Flowers, Hagan, Hughes, Law, Sayre, Schlichter, Schneider, Stewart, J., Uecker, Wagoner. -Senators Coughlin, Gardner, Jacobson, Clancy, Amstutz, Cates, Grendell, Harris, Hottinger, Jordan, Mumper, Padgett, Schuler, Schuring, Spada, Wachtmann.

To amend sections 3702.30 and 3702.31 and to enact sections 2305.116 and 3702.301 of the Revised Code to exempt certain freestanding birthing centers from the requirement that a center obtain a health care facility license from the Director of Health and to provide that there is no cause of action on a medical claim that because of an act or omission an abortion was not performed.

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

The yeas and nays were taken and resulted - yeas 76, nays 18, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Blessing	Boccieri
Book	Brinkman	Bubp	Buehrer
Calvert	Carmichael	Cassell	Coley
Collier	Combs	Core	Daniels
DeGeeter	DeWine	Distel	Dolan
Driehaus	Evans C.	Evans D.	Faber
Fende	Fessler	Flowers	Garrison
Gibbs	Gilb	Hagan	Hartnett
Harwood	Healy	Hood	Hoops
Hughes	Koziura	Latta	Law
Martin	McGregor J.	McGregor R.	Oelslager
Otterman	Patton T.	Perry	Peterson
Raga	Rausen	Reidelbach	Reinhard
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Smith G.	Stewart J.
Taylor	Trakas	Uecker	Ujvagi
Wagner	Wagoner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Yuko	Husted-76.

Those who voted in the negative were: Representatives

Allen	Beatty	Brown	Carano
Chandler	DeBose	Domenick	Key
Mason	Mitchell	Patton S.	Redfern
Sayre	Skindell	Stewart D.	Strahorn
Sykes			Yates-18.

The Senate amendments were concurred in.

Representative Aslanides moved to amend the title as follows:

Remove the names: "Beatty, Boccieri, Brown, Carano, DeBose, Domenick, Perry, Sayre."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Chandler submitted the following report:

The standing committee on Local and Municipal Government and Urban Revitalization to which was referred **Sub. S. B. No. 148**-Senator Hottinger, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: FEDERAL LIENS - RECORD ELECTRONICALLY

JEFF WAGNER
BRIAN G. WILLIAMS
KENNY YUKO
JOHN DOMENICK
KATHY L. WALCHER
COURTNEY COMBS
JOSEPH W. UECKER

LARRY L. WOLPERT
KATHLEEN CHANDLER
LORRAINE M. FENDE
MIKE MITCHELL
JIM MCGREGOR
DANNY R. BUBP

The report was agreed to.

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

Representative Healy submitted the following report:

The standing committee on Financial Institutions, Real Estate, and Securities to which was referred **H. B. No. 491**-Representative Widener, et al., having had the same under consideration, reports it back and recommends its passage.

RE: REAL ESTATE BROKER LAW DEFINITIONS

Representative Widener moved to amend the title as follows:

Add the names: "Book, Gibbs, Hagan, Webster, Coley, Wagoner, Bocchieri, White."

JOHN J. WHITE
CHRIS WIDENER
BOB GIBBS
SHAWN N. WEBSTER
MARK D. WAGONER
WILLIAM J. HEALY

JOHN A. BOCCIERI
CLYDE EVANS
JOHN P. HAGAN
BILL COLEY
THOMAS F. PATTON
T. TODD BOOK

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. 227-Representatives Faber, Patton, T., Fessler, Widowfield, Trakas, Wagoner, Raga, McGregor, J., Martin, Evans, C., Patton, S., Setzer, Evans, D., Fende, Gilb, DeGeeter, Latta, Willamowski.

To amend sections 2743.191, 2929.14, and 2971.05 and to enact sections 5122.51, 5122.52, 5122.53, 5122.54, 5122.55, 5122.56, 5122.57, 5122.58, 5122.59, 5122.60, 5122.61, and 5122.62 of the Revised Code to require that sexually violent predators who are monitored by global positioning system devices pay the cost of that monitoring, to specify that the failure of a court to notify an offender of post-release control sanctions does not invalidate statutorily required post-release control sanctions, and to authorize the civil commitment of certain sexually violent predators, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative DeGeeter moved to amend as follows:

In line 881, after the underlined period insert "If the prosecuting attorney elects to file a petition for civil commitment, the prosecuting attorney shall file the petition within seventy-five days of the date the prosecuting attorney received or sent the written notice with respect to the person pursuant to division (A)(1) or (2) of this section."

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	Beatty	Blasdel
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.	Evans D.	Faber	Fende
Fessler	Flowers	Garrison	Gibbs
Gilb	Hagan	Hartnett	Harwood
Healy	Hood	Hoops	Hughes
Key	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	Schneider
Seaver	Seitz	Setzer	Skindell
Smith G.	Stewart D.	Stewart J.	Strahorn
Sykes	Taylor	Trakas	Uecker
Ujvagi	Wagner	Wagoner	Walcher

Webster	White	Widener	Widowfield
Willamowski	Williams	Wolpert	Yates
Yuko			Husted-94.

The motion was agreed to and the bill so amended.

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

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

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Beatty	Blasdel
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.	Evans D.	Faber	Fende
Fessler	Flowers	Garrison	Gibbs
Gilb	Hagan	Hartnett	Harwood
Healy	Hood	Hoops	Hughes
Key	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	Schneider
Seaver	Seitz	Setzer	Skindell
Smith G.	Stewart D.	Stewart J.	Strahorn
Sykes	Taylor	Trakas	Uecker
Ujvagi	Wagner	Wagoner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Williams	Wolpert	Yates
Yuko			Husted-94.

The bill passed.

Representative Faber moved to amend the title as follows:

Add the names: "Allen, Blessing, Bocchieri, Bubp, Buehrer, Cassell, Collier, Core, Distel, Domenick, Flowers, Garrison, Gibbs, Hagan, Hartnett, Harwood, Mitchell, Oelslager, Reidelbach, Reinhard, Schaffer, Schneider, Smith, G., Stewart, J., Taylor, Uecker, Widener."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 322-Representatives Raussen, McGregor, Seitz, Webster, Setzer, Calvert, Gibbs, Seaver, Wagoner, Gilb, Peterson.

To amend sections 5747.021, 5747.03, 5747.112, 5748.03, 5748.06, and 5748.08 and to enact sections 5748.11, 5748.12, 5748.13, 5748.14, 5748.15, and 5748.16 of the Revised Code to authorize school districts to enter into agreements with the Department of Taxation or other entities for the collection and administration of school district income taxes, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 88, nays 6, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Beatty	Blasdel
Blessing	Bocchieri	Book	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Dolan	Domenick	Driehaus	Evans D.
Faber	Fende	Flowers	Garrison
Gibbs	Gilb	Hagan	Hartnett
Harwood	Healy	Hoops	Hughes
Key	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	Schneider
Seaver	Seitz	Setzer	Skindell
Smith G.	Stewart D.	Stewart J.	Strahorn
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Yates	Yuko	Husted-88.

Representatives Chandler, Evans C., Fessler, Hood, Sykes, and Taylor voted in the negative-6.

The bill passed.

Representative Raussen moved to amend the title as follows:

Add the names: "Brinkman, Collier, Combs, Flowers, Hughes, Schneider, Uecker, Widowfield."

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 passage of the following bill:

Sub. H. B. No. 162 - Representatives Peterson, Latta, D. Evans, Hughes, Seitz, Yuko, Bupp, Buehrer, Carano, Cassell, Collier, Core, DeBose, Domenick, C. Evans, Flowers, Gilb, Hartnett, Key, Martin, McGregor, Otterman, T. Patton, Raussen, Reidelbach, Seaver, G. Smith, Williams
Senators Coughlin, Jacobson

To amend sections 2152.20, 2301.51, 2301.52, 2301.55, 2301.56, 2301.57, 2744.01, 2929.01, 2929.34, 2929.37, 2929.38, 5120.031, 5120.111, 5120.112, and 5149.34, to enact new section 2301.58 and section 2301.571, and to repeal sections 2301.53, 2301.54, and 2301.58 of the Revised Code to revise the law governing community-based correctional facilities and district community-based correctional facilities.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

David A. Battocletti,
Clerk.

The Senate amendments were laid over under the Rule.

MESSAGE FROM THE SPEAKER

March 1, 2006

Speaker Jon Husted
Ohio House of Representatives
77 S. High Street, 14th Floor
Columbus, Ohio 43215

Dear Speaker Husted:

I would like to resign from the position of Assistant Minority Whip. I respectfully request to be removed from the position as of March 31, 2006. Your approval of this request would be greatly appreciated.

Sincerely,

/s/ LANCE T. MASON

Representative Lance T. Mason
Assistant Minority Whip
8th House District

MESSAGE FROM THE SPEAKER

March 14, 2006

The Honorable Lance Mason
Ohio House of Representatives
77 South High Street
Columbus, Ohio 43215

Dear Representative Mason:

This is to acknowledge receipt and acceptance of your letter of resignation as Assistant Minority Whip, effective March 31, 2006.

Sincerely,

/s/ JON A. HUSTED

Jon A. Husted
Speaker
Ohio House of Representatives

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 101.34(A), the Speaker hereby makes the following change to the Controlling Board:

Remove Representative Raga; appoint Representative DeWine.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 101.34(A), the Speaker hereby makes the following change to the Joint Legislative Ethics Committee:

Remove Representative Redfern; appoint Representative Book.

MESSAGE FROM THE SPEAKER

Pursuant to section 206.66.53 of Am. Sub. H.B. No. 66, 126th General Assembly, the Speaker hereby appoints Representative Book as a non-voting member to the Ohio Medicaid Administrative Study Council.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on March 9, 2006, signed the following:

Am. H. B. No. 82 - Representative Hughes - et al.

Am. H. B. No. 85 - Representative Blessing - et al.

Am. Sub. S. B. No. 7 - Senator Cates - et al.

S. B. No. 125 - Senator Schuring - et al.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on March 13, 2006, signed the following:

Am. S. B. No. 206 - Senator Coughlin - et al.

On motion of Representative Blasdel, the House adjourned until Wednesday, March 15, 2006 at 1:30 o'clock p.m.

Attest:

LAURA P. CLEMENS,
Clerk.