

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, MARCH 21, 2006

ONE HUNDRED FIFTY-SIXTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, March 21, 2006 at 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Tim Clutter of the Neptune Church of God in Celina, 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:

Students from the Northside Christian Church, guests of Representative Flowers-19th district.

Phyllis McNabb and Gloria Butler, guests of Representative D. Stewart-25th district.

Glenna Bair and members of Pastor Clutter's family, guests of Representative Faber-77th district.

#### INTRODUCTION OF BILLS

The following bills were introduced:

**H. B. No. 538**-Representative Wolpert.

To amend section 2907.03 of the Revised Code to require a court to impose a prison term prescribed for a felony of the third degree on a person who is convicted of or pleads guilty to sexual battery if the victim is less than thirteen years of age.

**H. B. No. 539**-Representatives Latta, Patton, T., McGregor, J., Evans, D., Collier, Combs, Willamowski.

To amend sections 2907.02, 2907.03, 2907.04, 2907.05, 2929.13, and 2929.14 of the Revised Code to generally impose a mandatory minimum prison term upon an offender who commits a specified sex offense when the offender is the victim's teacher.

**H. B. No. 540**-Representatives Latta, McGregor, J., Willamowski, Boccieri, Healy, Gilb, Ujvagi, Chandler, Brown, Buehrer, Wagoner, Combs, Seitz, Harwood, Evans, C., Hartnett, Perry, Collier.

To amend section 1531.06 of the Revised Code to direct the chief of the Division of Wildlife to enter into the Wildlife Violators Compact and to authorize the chief to enter into agreements with law enforcement agencies for

joint law enforcement operations.

**H. B. No. 541**-Representatives Buehrer, Taylor, Law, Blasdel, Hood, Seitz, Fessler, Brinkman, Harwood, Aslanides, Latta, Willamowski, Calvert, Evans, C., Combs, Schaffer, Evans, D., Faber, Cassell, Setzer, Collier, Peterson.

To enact sections 2305.61, 2305.62, 2305.63, 2306.64, 2305.65, and 2305.66 and to repeal section 2305.40 of the Revised Code to provide statutory criteria for when a person may use force or deadly force to defend the person or another person or to prevent or terminate a trespass on or illegal interference with property; to establish a presumption related to use of defensive force intended or likely to cause death or serious physical harm of when the user of the defensive force holds a reasonable fear of imminent peril of death or serious physical harm; to provide that a person authorized to use deadly force or defensive force intended or likely to cause death or serious physical harm generally does not have a duty to retreat; and to repeal the existing statutory provisions regarding the immunity of an owner, lessee, or renter of real property as to self-defense or defense of others.

**H. B. No. 542**-Representatives Fende, Koziura, Hartnett, Garrison, Perry, Williams, Brown, McGregor, J., Evans, C., Yuko.

To amend sections 4729.01, 4729.51, and 4729.99 and to enact sections 4729.552, 4729.553, 4729.554, 4729.555, 4729.556, 4729.557, and 4729.558 of the Revised Code to require the Board of Pharmacy to establish a drug compounding licensing program for terminal distributors of dangerous drugs and to provide that business entities formed by physicians or dentists are permitted to receive and sell drugs without being licensed as terminal distributors of dangerous drugs.

Said bills were considered the first time.

### CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 231**-Representative Mason, et al., were taken up for consideration.

**Sub. H. B. No. 231**-Representatives Mason, McGregor, Otterman, Allen, Brown, Chandler, Williams, Carano, S. Smith, Boccieri, Fende, Driehaus, Ujvagi, Harwood, Oelslager, C. Evans, Key, S. Patton, DeBose, Collier, Reidelbach, Yuko, Beatty, Barrett, Blessing, Book, Buehrer, Cassell, Coley, DeGeeter, Domenick, Flowers, Garrison, Gibbs, Gilb, Hartnett, Hoops, Hughes, Latta, Law, Mitchell, Patton, T., Perry, Peterson, Raussen, Sayre, Schaffer, Schneider, Seaver, Skindell, Smith, G., Stewart, D., Stewart, J., Sykes, Walcher, Willamowski, Woodard, Yates. -Senators Dann, Kearney, Spada, Jacobson, Grendell, Harris, Roberts, Wilson, Zurz, Austria, Stivers,

Goodman, Armbruster, Coughlin, Gardner, Miller, D., Hagan, Fingerhut, Padgett, Miller, R., Schuler, Mumper.

To amend section 2909.21 and to enact section 2909.081 of the Revised Code to prohibit a person from knowingly discharging a laser into the cockpit of an aircraft and to expand definitions related to terrorism.

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

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	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	Hoops	Hughes	Key
Kilbane	Koziura	Latta	Law
Martin	Mason	McGregor J.	McGregor R.
Mitchell	Oelsluger	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Rausen	Sayfern	Reed	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
Webster	White	Widener	Widowfield
Willamowski	Williams	Wolpert	Woodard
Yates	Yuko		Husted-95.

The Senate amendments were concurred in.

The Senate amendments to **Am. Sub. H. B. No. 235**-Representative Wagner, et al., were taken up for consideration.

**Am. Sub. H. B. No. 235**-Representatives Wagner, Distel, Flowers, Harwood, Kearns, McGregor, Seitz, Wolpert, Willamowski, Barrett, Blessing, Chandler, Coley, Collier, Combs, Domenick, Evans, D., Fende, Gibbs, Hoops, Hughes, Law, Perry, Rausen, Reidelbach, Schaffer, Schneider, Taylor, Uecker. -Senators Grendell, Harris, Spada, Kearney.

To amend sections 313.05, 313.08, 313.10, 325.17, 3705.16, 3705.29, 3705.99, 3901.21, 4705.01, and 4731.053 and to enact sections 313.123 and 313.23 of the Revised Code to make changes to the Coroner's Law and

associated provisions of the Death and Fetal Death Certificate Law, to require that the rules of the State Medical Board allow a coroner's investigator who is not a physician to recite facts permitting a physician to pronounce a person dead without a personal examination, to permit a journalist or insurer to request certain information from the coroner, to allow a coroner to practice as an attorney at law in a court except under specified circumstances, and to specify who may view an autopsy.

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

The yeas and nays were taken and resulted - yeas 88, nays 7, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeWine	Distel
Dolan	Domenick	Driehaus	Evans C.
Evans D.	Faber	Fende	Fessler
Flowers	Garrison	Gibbs	Gilb
Hagan	Hartnett	Harwood	Healy
Hoops	Hughes	Key	Kilbane
Koziura	Latta	Law	Martin
Mason	McGregor J.	McGregor R.	Otterman
Patton T.	Perry	Peterson	Raga
Raussen	Redfern	Reed	Reidelbach
Reinhard	Sayre	Schaffer	Schlichter
Schneider	Seitz	Setzer	Smith G.
Stewart D.	Stewart J.	Strahorn	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Woodard	Yates	Yuko	Husted-88.

Representatives DeGeeter, Mitchell, Oelslager, Patton S., Skindell, Smith S., and Sykes voted in the negative-7.

The Senate amendments were concurred in.

The Senate amendments to **Am. H. B. No. 265**-Representative Seitz, et al., were taken up for consideration.

**Am. H. B. No. 265**-Representatives Seitz, T. Patton, Fende, Wagoner, McGregor, Fessler, D. Evans, C. Evans, Gilb, Core, Harwood, Walcher, Cassell, Martin, Buehrer, Willamowski, Barrett, Collier, Oelslager, Daniels, Brown, Raga, Schneider, Combs, Hartnett, Reidelbach, Gibbs, Sayre, Latta, Dolan, DeGeeter, Blessing, Miller, Coley, Allen, Book, Bubp, Hughes, Seaver, Setzer, J. Stewart, Taylor, Webster. -Senators Amstutz, Cates, Harris, Kearney.

To amend section 2107.27 and to enact section 2107.24 of the Revised Code to provide a procedure for a probate court to treat a document as a will notwithstanding its noncompliance with the statutory formalities for executing wills.

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

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

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Boccieri	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
Hoops	Hughes	Key	Kilbane
Koziura	Latta	Law	Martin
McGregor J.	McGregor R.	Mitchell	Oelslager
Otterman	Patton S.	Patton T.	Perry
Peterson	Raga	Raussen	Redfern
Reed	Reidelbach	Reinhard	Sayre
Schaffer	Schlichter	Schneider	Seitz
Setzer	Skindell	Smith G.	Stewart D.
Stewart J.	Taylor	Trakas	Uecker
Ujvagi	Wagner	Wagoner	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Yuko	Husted-88.

Representatives Beatty, Mason, Smith S., Strahorn, Sykes, and Yates voted in the negative-6.

The Senate amendments were concurred in.

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

Representative Healy submitted the following report:

The standing committee on Financial Institutions, Real Estate, and Securities to which was referred **H. B. No. 454**-Representative Coley, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: FINANCIAL INSTITUTIONS LAW - REVISE

MICHELLE G. SCHNEIDER  
JOHN P. HAGAN

SHAWN N. WEBSTER  
DAVID DANIELS

BILL COLEY  
 JOSEPH KOZIURA  
 JIMMY STEWART  
 JOHN A. BOCCIERI  
 DAN STEWART

THOMAS F. PATTON  
 WILLIAM J. HEALY  
 T. TODD BOOK  
 CHRIS WIDENER  
 SYLVESTER D. PATTON

The report was agreed to.

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

Representative Williams submitted the following report:

The standing committee on Finance and Appropriations to which was referred **H. B. No. 530**-Representative Calvert, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CAPITAL REAPPROPRIATIONS/CORRECTIONS BUDGET

Representative Calvert moved to amend the title as follows:

Add the name: "Coley."

CHARLES E. CALVERT  
 JIMMY STEWART  
 JAMES M. HOOPS  
 MICHELLE G. SCHNEIDER  
 JIM MCGREGOR  
 BILL COLEY  
 MATTHEW J. DOLAN  
 DIXIE J. ALLEN  
 LARRY L. FLOWERS  
 JON M. PETERSON  
 ANTHONY CORE  
 DAN STEWART  
 CLYDE EVANS  
 WILLIAM J. HARTNETT

TOM RAGA  
 JOHN SCHLICHTER  
 THOMAS F. PATTON  
 JAMES PETER TRAKAS  
 ROSS MCGREGOR  
 KEVIN DEWINE  
 PETER S. UJVAGI  
 MARK D. WAGONER  
 EARL MARTIN  
 KEITH L. FABER  
 TYRONE K. YATES  
 KATHLEEN CHANDLER  
 BRIAN G. WILLIAMS  
 FRED STRAHORN

The following members voted "NO"

SYLVESTER D. PATTON  
 MICHAEL J. SKINDELL

BARBARA A. SYKES

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. 73**-Representatives Trakas, Kilbane, Latta, Gibbs, Blessing, Collier, Schaffer, Blasdel, Hagan, Brinkman, Gilb, Ujvagi, Taylor.

To amend sections 5747.01, 5747.24, and 5748.01, and to repeal section 5747.25 of the Revised Code to increase the amount of time an individual may spend in Ohio before being presumed to be a resident for income tax purposes, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 80, nays 15, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Blasdel	Book
Brinkman	Brown	Bubp	Buehrer
Calvert	Carano	Carmichael	Cassell
Chandler	Coley	Collier	Combs
Core	Daniels	DeBose	DeGeeter
DeWine	Distel	Dolan	Domenick
Evans C.	Evans D.	Faber	Fende
Fessler	Flowers	Garrison	Gibbs
Gilb	Hagan	Hartnett	Harwood
Hoops	Hughes	Kilbane	Koziura
Latta	Law	Martin	Mason
McGregor J.	McGregor R.	Mitchell	Oelslager
Otterman	Patton T.	Perry	Peterson
Raga	Rausen	Redfern	Reed
Reidelbach	Reinhard	Schaffer	Schlichter
Schneider	Seitz	Setzer	Smith G.
Stewart J.	Strahorn	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Webster	White	Widener	Widowfield
Willamowski	Wolpert	Yuko	Husted-80.

Those who voted in the negative were: Representatives

Barrett	Beatty	Boccieri	Driehaus
Healy	Key	Patton S.	Sayre
Skindell	Smith S.	Stewart D.	Sykes
Williams	Woodard		Yates-15.

The bill passed.

Representative Trakas moved to amend the title as follows:

Add the names: "Chandler, Combs, Domenick, Evans, C., Evans, D., Hartnett, Koziura, Oelslager, Patton, T., Peterson, Redfern, Reidelbach, Setzer, Smith, G.."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. B. No. 378**-Representatives Ujvagi, Healy, McGregor, J., Distel, Reidelbach, DeGeeter, Yuko, Latta, Perry, Hughes, Skindell, Carano, Fende, Harwood, Kilbane, Hartnett, Sykes, Gibbs, Taylor, Gilb, Blessing, Seitz,

Driehaus, Collier, Schaffer, Hagan.

To amend section 5747.01 of the Revised Code to exempt from taxation military pay and allowances, 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
Blasdel	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
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	Reed	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	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Woodard	Yates
Yuko			Husted-94.

The bill passed.

Representative Ujvagi moved to amend the title as follows:

Add the names: "Allen, Aslanides, Barrett, Beatty, Book, Brown, Buehrer, Cassell, Chandler, Combs, Core, DeBose, Dolan, Domenick, Evans, C., Evans, D., Faber, Flowers, Hoops, Key, Koziura, Martin, Mason, McGregor, R., Mitchell, Oelslager, Otterman, Patton, S., Patton, T., Peterson, Raussen, Redfern, Reed, Reinhard, Sayre, Schlichter, Smith, G., Smith, S., Stewart, D., Stewart, J., Strahorn, Trakas, Uecker, Wagoner, White, Widener, Widowfield, Willamowski, Williams, Woodard."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. C. R. No. 36**-Representatives DeWine, Smith, G., Setzer, Schlichter, Raga, Otterman, Core, Calvert, Flowers, Blasdel, Wolpert, Carmichael.

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, was taken up for consideration the third time.

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

Representative DeWine moved to amend the title as follows:

Add the names: "Aslanides, Buehrer, Coley, Collier, Daniels, Dolan, Domenick, Evans, C., Evans, D., Faber, Fessler, Gibbs, Gilb, Hagan, Hoops, Hughes, Kilbane, Latta, Law, Martin, McGregor, R., Patton, S., Patton, T., Peterson, Raussen, Reidelbach, Reinhard, Schaffer, Schneider, Seitz, Taylor, Wagoner, Webster, White, Widener, Widowfield, Willamowski."

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?"

Representative Beatty moved that **H. C. R. No. 36**-Representative DeWine, et al., be rereferred to the committee on Rules and Reference.

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

The yeas and nays were taken and resulted - yeas 38, nays 57, as follows:

Those who voted in the affirmative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brown	Carano	Cassell
Chandler	Collier	DeBose	DeGeeter
Distel	Domenick	Driehaus	Fende
Garrison	Hartnett	Harwood	Healy
Key	Koziura	Mason	Mitchell
Otterman	Patton S.	Perry	Redfern
Sayre	Skindell	Smith S.	Stewart D.
Strahorn	Sykes	Ujvagi	Williams
Yates			Yuko-38.

Those who voted in the negative were: Representatives

Aslanides	Blasdel	Brinkman	Bubp
Buehrer	Calvert	Carmichael	Coley
Combs	Core	Daniels	DeWine
Dolan	Evans C.	Evans D.	Faber
Fessler	Flowers	Gibbs	Gilb
Hagan	Hoops	Hughes	Kilbane
Latta	Law	Martin	McGregor J.
McGregor R.	Oelslager	Patton T.	Peterson
Raga	Raussen	Reed	Reidelbach
Reinhard	Schaffer	Schlichter	Schneider
Seitz	Setzer	Smith G.	Stewart J.
Taylor	Trakas	Uecker	Wagner

Wagoner	Webster	White	Widener
Widowfield	Willamowski	Wolpert	Woodard
			Husted-57.

The motion was not agreed to.

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

Representative Driehaus moved to amend as follows:

Between lines 15 and 16, insert:

"RESOLVED, That the General Assembly of the State of Ohio memorializes the Congress of the United States to encourage the members of the 109th Congress to support Senate Bill 1033, the "Secure America and Orderly Immigration Act"; and be it further"

In line 7 of the title, after "States" insert ", and Senate Bill 1033, the Secure America and Orderly Immigration Act"

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

The yeas and nays were taken and resulted - yeas 39, nays 56, as follows:

Those who voted in the affirmative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brown	Carano	Cassell
Chandler	DeGeeter	Distel	Domenick
Driehaus	Fende	Garrison	Hartnett
Harwood	Healy	Key	Koziura
Mason	Mitchell	Otterman	Patton S.
Perry	Rausen	Redfern	Sayre
Skindell	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Ujvagi	Williams
Woodard	Yates		Yuko-39.

Those who voted in the negative were: Representatives

Aslanides	Blasdel	Brinkman	Bubp
Buehrer	Calvert	Carmichael	Coley
Collier	Combs	Core	Daniels
DeBose	DeWine	Dolan	Evans C.
Evans D.	Faber	Fessler	Flowers
Gibbs	Gilb	Hagan	Hoops
Hughes	Kilbane	Latta	Law
Martin	McGregor J.	McGregor R.	Oelsluger
Patton T.	Peterson	Raga	Reed
Reidelbach	Reinhard	Schaffer	Schlichter
Schneider	Seitz	Setzer	Smith G.
Taylor	Trakas	Uecker	Wagner
Wagoner	Webster	White	Widener
Widowfield	Willamowski	Wolpert	Husted-56.

The motion to amend was not agreed to.

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

The yeas and nays were taken and resulted - yeas 71, nays 23, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Blasdel	Bocieri
Book	Brinkman	Bubp	Buehrer
Calvert	Carmichael	Cassell	Coley
Collier	Combs	Core	Daniels
DeGeeter	DeWine	Dolan	Domenick
Evans C.	Evans D.	Faber	Fende
Fessler	Flowers	Garrison	Gibbs
Gilb	Hagan	Hartnett	Harwood
Healy	Hoops	Hughes	Kilbane
Latta	Law	Martin	McGregor J.
McGregor R.	Oelsluger	Otterman	Patton T.
Peterson	Raga	Raussen	Reed
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seitz	Setzer
Smith G.	Stewart D.	Stewart J.	Taylor
Trakas	Uecker	Wagner	Wagoner
Webster	White	Widener	Widowfield
Willamowski	Wolpert		Husted-71.

Those who voted in the negative were: Representatives

Barrett	Beatty	Brown	Carano
Chandler	DeBose	Distel	Driehaus
Key	Koziura	Mason	Mitchell
Patton S.	Redfern	Skindell	Smith S.
Strahorn	Sykes	Ujvagi	Williams
Woodard	Yates		Yuko-23.

The concurrent resolution was adopted.

On motion of Representative Blasdel, the House adjourned until Wednesday, March 22, 2006 at 1:30 o'clock p.m.

Attest:

LAURA P. CLEMENS,  
Clerk.