

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, MARCH 29, 2006

ONE HUNDRED SIXTY-FIRST DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, March 29, 2006 at 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Sam Hoeflich of the Christ 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:

Zach Nelson received House Resolution No. 170, presented by Representative Widener-84th district.

The Mount Notre Dame high school girls varsity basketball team received House Resolution No. 173, presented by Representative Raussen-28th district.

Gene Beaupre, Mark Manning, Greg Koehler, guests of Representative Driehaus-31st district.

Dan and Heidi Pelger, guests of Speaker Husted-37th district.

Lt. Col. Kathy Lowrey, a guest of Representative Strahorn-40th district.

Hattie Hawkins and Michael Miller, guests of Representative Law-64th district.

Annie and Mttthew Oiler, guests of Representative Faber-77th district.

Mandy, Calvin, and Tom Milligan, guests of Representatives Faber-77th district and Seaver-78th district.

Misty Casto, a guest of Representative Garrison-93rd district.

INTRODUCTION OF BILLS

The following bill was introduced:

H. B. No. 553-Representatives Combs, Reidelbach, Brinkman, Blasdel, Seitz, Domenick, Reinhard, Law, Fessler, Gilb, Aslanides.

To enact section 5.15 of the Revised Code to require the use of the English language by state and local government entities in official actions and proceedings, subject to certain exceptions.

Said bill was considered the first time.

Representative Blasdel moved that the House advance to the seventh order of business, being bills for third consideration.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 17-Senators Spada, Jacobson, Fedor, Clancy, Dann, Mallory, Zurz, Armbruster, Cates, Gardner, Hagan, Harris, Hottinger, Miller, R., Mumper, Padgett, Prentiss, Roberts. -Representative Willamowski.

To amend sections 2151.03, 2151.281, 2151.421, 2151.99, 2305.10, 2305.111, 2305.115, 2317.02, 2901.13, 2907.03, 2950.031, 2950.11, and 5120.173 and to enact sections 2721.21, 3797.01 to 3797.12, and 4799.01 of the Revised Code to require a member of the clergy, rabbi, priest, Christian Science practitioner, minister, or any person or layperson, other than a volunteer, acting as a leader, official, delegate, or other designated function on behalf of any church, religious society, or faith to report the abuse or neglect of a child that is known or reasonably believed to have been committed by any other member of the clergy, rabbi, priest, Christian Science practitioner, minister, or person or layperson, other than a volunteer, so acting on behalf of any church, religious society, or faith; to toll the criminal statute of limitations for violations involving abuse or neglect of a child if certain individuals fail to report the abuse or neglect of the child; to provide a ten-year statute of limitations for civil assault or battery actions brought by victims of childhood sexual abuse based on childhood sexual abuse or civil actions brought by victims of childhood sexual abuse asserting resulting claims; to expand the offense of "sexual battery" to also prohibit a cleric from engaging in sexual conduct with a minor who is a member of, or attends, the church or congregation served by the cleric; to prohibit a person convicted of a sexually oriented offense or child-victim oriented offense who has a duty to register from living within 1,000 feet of a victim of the offense; to require a sheriff to notify the public children services agency of registered sex offenders in the jurisdiction; to create a cause of action for a declaratory judgment in cases in which a victim of childhood sexual abuse is barred from bringing an ordinary civil action by the expiration of the limitations period; to create a registration and community notification program for persons who are found liable in a declaratory judgment action for assault or battery based on childhood sexual abuse; to require the Attorney General to establish on the internet a civil registry of persons found liable in a declaratory judgment action for assault or battery based on childhood sexual abuse; to prohibit persons required to register after being found liable in a declaratory judgment action for assault or battery based on childhood sexual abuse from failing to register and from living within 1,000 feet of any school premises; and to require occupational licensing boards to consider a person's listing on the civil registry in making determinations related to the licensing of the person, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Willamowski moved to amend as follows:

In line 21 of the title, delete "ten-year" and insert "twelve-year"

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 Seitz moved to amend as follows:

In line 59, delete "2950.031" and insert "2919.26"; after "2950.11," insert "3113.31,"

Delete lines 1712 through 1735 and insert:

"**Sec. 2919.26.** (A)(1) Upon the filing of a complaint that alleges a violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the Revised Code if the alleged victim of the violation was a family or household member at the time of the violation, a violation of a municipal ordinance that is substantially similar to any of those sections if the alleged victim of the violation was a family or household member at the time of the violation, ~~or~~ any offense of violence if the alleged victim of the offense was a family or household member at the time of the commission of the offense, or any sexually oriented offense, the complainant, the alleged victim, or a family or household member of an alleged victim may file, or, if in an emergency the alleged victim is unable to file, a person who made an arrest for the alleged violation or offense under section 2935.03 of the Revised Code may file on behalf of the alleged victim, a motion that requests the issuance of a temporary protection order as a pretrial condition of release of the alleged offender, in addition to any bail set under Criminal Rule 46. The motion shall be filed with the clerk of the court that has jurisdiction of the case at any time after the filing of the complaint.

(2) For purposes of section 2930.09 of the Revised Code, all stages of a proceeding arising out of a complaint alleging the commission of a violation or offense of violence described in division (A)(1) of this section, including all proceedings on a motion for a temporary protection order, are critical stages of the case, and a victim may be accompanied by a victim advocate or another person to provide support to the victim as provided in that section.

(B) The motion shall be prepared on a form that is provided by the clerk of the court, which form shall be substantially as follows:

"MOTION FOR TEMPORARY PROTECTION ORDER

..... Court

Name and address of court

State of Ohio

v.

No.

.....

Name of Defendant

(name of person), moves the court to issue a temporary protection order containing terms designed to ensure the safety and protection of the complainant, alleged victim, and other family or household members, in relation to the named defendant, pursuant to its authority to issue such an order under section 2919.26 of the Revised Code.

A complaint, a copy of which has been attached to this motion, has been filed in this court charging the named defendant with (name of the specified violation or the offense of violence charged) in circumstances in which the victim was a family or household member in violation of (section of the Revised Code designating the specified violation or offense of violence charged), or charging the named defendant with a violation of a municipal ordinance that is substantially similar to (section of the Revised Code designating the specified violation or offense of violence charged) involving a family or household member.

I understand that I must appear before the court, at a time set by the court within twenty-four hours after the filing of this motion, for a hearing on the motion or that, if I am unable to appear because of hospitalization or a medical condition resulting from the offense alleged in the complaint, a person who can provide information about my need for a temporary protection order must appear before the court in lieu of my appearing in court. I understand that any temporary protection order granted pursuant to this motion is a pretrial condition of release and is effective only until the disposition of the criminal proceeding arising out of the attached complaint, or the issuance of a civil protection order or the approval of a consent agreement, arising out of the same activities as those that were the basis of the complaint, under section 3113.31 of the Revised Code.

.....

Signature of person

(or signature of the arresting officer who filed the motion on behalf of the alleged victim)

.....

Address of person (or office address of the arresting officer who filed the motion on behalf of the alleged victim)"

(C)(1) As soon as possible after the filing of a motion that requests the issuance of a temporary protection order, but not later than twenty-four hours after the filing of the motion, the court shall conduct a hearing to determine whether to issue the order. The person who requested the order shall appear before the court and provide the court with the information that it requests concerning the basis of the motion. If the person who requested the order is unable to appear and if the court finds that the failure to appear is because of the person's hospitalization or medical condition resulting from the offense alleged in the complaint, another person who is able to provide the court with the information it requests may appear in lieu of the person who requested the order.

If the court finds that the safety and protection of the complainant, alleged victim, or any other family or household member of the alleged ~~offender~~victim may be impaired by the continued presence of the alleged offender, the court may issue a temporary protection order, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant, alleged victim, or the family or household member, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant, alleged victim, or the family or household member.

(2)(a) If the court issues a temporary protection order that includes a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant, the alleged victim, or the family or household member, the order shall state clearly that the order cannot be waived or nullified by an invitation to the alleged offender from the complainant, alleged victim, or family or household member to enter the residence, school, business, or place of employment or by the alleged offender's entry into one of those places otherwise upon the consent of the complainant, alleged victim, or family or household member.

(b) Division (C)(2)(a) of this section does not limit any discretion of a court to determine that an alleged offender charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance substantially equivalent to that section, or with contempt of court, which charge is based on an alleged violation of a temporary protection order issued under this section, did not commit the violation or was not in contempt of court.

(D)(1) Upon the filing of a complaint that alleges a violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the Revised Code if the alleged victim of the violation was a family or household member at the time of the violation, a violation of a municipal ordinance that is substantially similar to any of those sections if the alleged victim of the violation was a family or household member at the time of the violation, ~~or any offense of violence~~ if the alleged victim of the offense was a family or household member at the time of the commission of the offense, or any sexually oriented offense, the court, upon its own motion, may issue a temporary protection order as a pretrial condition of release if it finds that the safety and protection of the complainant, alleged victim, or other family or household member of the alleged offender may be impaired by the continued presence of the alleged offender.

(2) If the court issues a temporary protection order under this section as an ex parte order, it shall conduct, as soon as possible after the issuance of the order, a hearing in the presence of the alleged offender not later than the next day on which the court is scheduled to conduct business after the day on which the alleged offender was arrested or at the time of the appearance of the alleged offender pursuant to summons to determine whether the order should remain in effect, be modified, or be revoked. The hearing shall be conducted under the standards set forth in division (C) of this section.

(3) An order issued under this section shall contain only those terms authorized in orders issued under division (C) of this section.

(4) If a municipal court or a county court issues a temporary protection order under this section and if, subsequent to the issuance of the order, the alleged offender who is the subject of the order is bound over to the court of common pleas for prosecution of a felony arising out of the same activities as those that were the basis of the complaint upon which the order is based, notwithstanding the fact that the order was issued by a municipal court or county court, the order shall remain in effect, as though it were an order of the court of common pleas, while the charges against the alleged offender are pending in the court of common pleas, for the period of time described in division (E)(2) of this section, and the court of common pleas has exclusive jurisdiction to modify the order issued by the municipal court or county court. This division applies when the alleged offender is bound over to the court of common pleas as a result of the person waiving a preliminary hearing on the felony charge, as a result of the municipal court or county court having determined at a preliminary hearing that there is probable cause to believe that the felony has been committed and that the alleged offender committed it, as a result of the alleged offender having been indicted for the felony, or in any other manner.

(E) A temporary protection order that is issued as a pretrial condition of release under this section:

(1) Is in addition to, but shall not be construed as a part of, any bail set under Criminal Rule 46;

(2) Is effective only until the occurrence of either of the following:

(a) The disposition, by the court that issued the order or, in the circumstances described in division (D)(4) of this section, by the court of common pleas to which the alleged offender is bound over for prosecution, of the criminal proceeding arising out of the complaint upon which the order is based;

(b) The issuance of a protection order or the approval of a consent agreement, arising out of the same activities as those that were the basis of the complaint upon which the order is based, under section 3113.31 of the Revised Code;

(3) Shall not be construed as a finding that the alleged offender committed the alleged offense, and shall not be introduced as evidence of the commission of the offense at the trial of the alleged offender on the complaint upon which the order is based.

(F) A person who meets the criteria for bail under Criminal Rule 46 and who, if required to do so pursuant to that rule, executes or posts bond or deposits cash or securities as bail, shall not be held in custody pending a hearing before the court on a motion requesting a temporary protection order.

(G)(1) A copy of any temporary protection order that is issued under this

section shall be issued by the court to the complainant, to the alleged victim, to the person who requested the order, to the defendant, and to all law enforcement agencies that have jurisdiction to enforce the order. The court shall direct that a copy of the order be delivered to the defendant on the same day that the order is entered. If a municipal court or a county court issues a temporary protection order under this section and if, subsequent to the issuance of the order, the defendant who is the subject of the order is bound over to the court of common pleas for prosecution as described in division (D)(4) of this section, the municipal court or county court shall direct that a copy of the order be delivered to the court of common pleas to which the defendant is bound over.

(2) All law enforcement agencies shall establish and maintain an index for the temporary protection orders delivered to the agencies pursuant to division (G)(1) of this section. With respect to each order delivered, each agency shall note on the index, the date and time of the receipt of the order by the agency.

(3) A complainant, alleged victim, or other person who obtains a temporary protection order under this section may provide notice of the issuance of the temporary protection order to the judicial and law enforcement officials in any county other than the county in which the order is issued by registering that order in the other county in accordance with division (N) of section 3113.31 of the Revised Code and filing a copy of the registered protection order with a law enforcement agency in the other county in accordance with that division.

(4) Any officer of a law enforcement agency shall enforce a temporary protection order issued by any court in this state in accordance with the provisions of the order, including removing the defendant from the premises, regardless of whether the order is registered in the county in which the officer's agency has jurisdiction as authorized by division (G)(3) of this section.

(H) Upon a violation of a temporary protection order, the court may issue another temporary protection order, as a pretrial condition of release, that modifies the terms of the order that was violated.

(I)(1) As used in divisions (I)(1) and (2) of this section, "defendant" means a person who is alleged in a complaint to have committed a violation or offense of violence of the type described in division (A) of this section.

(2) If a complaint is filed that alleges that a person committed a violation or offense of violence of the type described in division (A) of this section, the court may not issue a temporary protection order under this section that requires the complainant, the alleged victim, or another family or household member of the defendant to do or refrain from doing an act that the court may require the defendant to do or refrain from doing under a temporary protection order unless both of the following apply:

(a) The defendant has filed a separate complaint that alleges that the complainant, alleged victim, or other family or household member in question who would be required under the order to do or refrain from doing the act committed a violation or offense of violence of the type described in division (A)

of this section.

(b) The court determines that both the complainant, alleged victim, or other family or household member in question who would be required under the order to do or refrain from doing the act and the defendant acted primarily as aggressors, that neither the complainant, alleged victim, or other family or household member in question who would be required under the order to do or refrain from doing the act nor the defendant acted primarily in self-defense, and, in accordance with the standards and criteria of this section as applied in relation to the separate complaint filed by the defendant, that it should issue the order to require the complainant, alleged victim, or other family or household member in question to do or refrain from doing the act.

(J) Notwithstanding any provision of law to the contrary and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or a court of another state, no court or unit of state or local government shall charge any fee, cost, deposit, or money in connection with the filing of a motion pursuant to this section, in connection with the filing, issuance, registration, or service of a protection order or consent agreement, or for obtaining a certified copy of a protection order or consent agreement.

(K) As used in this section, ~~"victim;~~

(1) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(2) "Victim advocate" means a person who provides support and assistance for a victim of an offense during court proceedings."

Between lines 2155 and 2156, insert:

"Sec. 3113.31. (A) As used in this section:

(1) "Domestic violence" means the occurrence of one or more of the following acts against a family or household member:

(a) Attempting to cause or recklessly causing bodily injury;

(b) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;

(c) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code.

(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division, and the court of common pleas in counties that do not have a domestic relations division.

(3) "Family or household member" means any of the following:

(a) Any of the following who is residing with or has resided with the respondent:

- (i) A spouse, a person living as a spouse, or a former spouse of the respondent;
 - (ii) A parent or a child of the respondent, or another person related by consanguinity or affinity to the respondent;
 - (iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent.
- (b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.
- (4) "Person living as a spouse" means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question.

(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.

(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the residence or household to avoid further domestic violence.

(C) A person may seek relief under this section on the person's own behalf, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state:

(1) An allegation that the respondent engaged in domestic violence against a family or household member of the respondent, including a description of the nature and extent of the domestic violence, or committed a sexually oriented offense against the petitioner or the victim if other than the petitioner;

(2) The relationship of the respondent to the petitioner, and to the victim if other than the petitioner;

(3) A request for relief under this section.

(D)(1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing on the same day that the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, including, but not limited to, an order described in division (E)(1)(a), (b), or (c) of this section, that the court finds necessary to protect the family or household member from domestic violence or to protect the petitioner or victim from a sexually oriented offense. Immediate and present danger of domestic violence to the family or household

member or of a sexually oriented offense to the petitioner or victim constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the family or household member with bodily harm, in which the respondent has threatened the petitioner or victim with a sexually oriented offense, or in which the respondent previously has been convicted of or pleaded guilty to an offense that constitutes domestic violence against the family or household member or a sexually oriented offense against the petitioner or victim.

(2)(a) If the court, after an ex parte hearing, issues an order described in division (E)(1)(b) or (c) of this section, the court shall schedule a full hearing for a date that is within seven court days after the ex parte hearing. If any other type of protection order that is authorized under division (E) of this section is issued by the court after an ex parte hearing, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following reasons, the court may grant a continuance of the full hearing to a reasonable time determined by the court:

(i) Prior to the date scheduled for the full hearing under this division, the respondent has not been served with the petition filed pursuant to this section and notice of the full hearing.

(ii) The parties consent to the continuance.

(iii) The continuance is needed to allow a party to obtain counsel.

(iv) The continuance is needed for other good cause.

(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D)(2)(a) of this section or because the court grants a continuance under that division.

(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.

(E)(1) After an ex parte or full hearing, the court may grant any protection order, with or without bond, or approve any consent agreement to bring about a cessation of domestic violence against the family or household members. The order or agreement may:

(a) Direct the respondent to refrain from abusing the family or household members, or from committing sexually oriented offenses against the petitioner or victim;

(b) Grant possession of the residence or household to the petitioner or

other family or household member, to the exclusion of the respondent, by evicting the respondent, when the residence or household is owned or leased solely by the petitioner or other family or household member, or by ordering the respondent to vacate the premises, when the residence or household is jointly owned or leased by the respondent, and the petitioner or other family or household member;

(c) When the respondent has a duty to support the petitioner or other family or household member living in the residence or household and the respondent is the sole owner or lessee of the residence or household, grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by ordering the respondent to vacate the premises, or, in the case of a consent agreement, allow the respondent to provide suitable, alternative housing;

(d) Temporarily allocate parental rights and responsibilities for the care of, or establish temporary parenting time rights with regard to, minor children, if no other court has determined, or is determining, the allocation of parental rights and responsibilities for the minor children or parenting time rights;

(e) Require the respondent to maintain support, if the respondent customarily provides for or contributes to the support of the family or household member, or if the respondent has a duty to support the petitioner or family or household member;

(f) Require the respondent, petitioner, victim of domestic violence, or any combination of those persons, to seek counseling;

(g) Require the respondent to refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member;

(h) Grant other relief that the court considers equitable and fair, including, but not limited to, ordering the respondent to permit the use of a motor vehicle by the petitioner or other family or household member and the apportionment of household and family personal property.

(2) If a protection order has been issued pursuant to this section in a prior action involving the respondent and the petitioner or one or more of the family or household members or victims, the court may include in a protection order that it issues a prohibition against the respondent returning to the residence or household. If it includes a prohibition against the respondent returning to the residence or household in the order, it also shall include in the order provisions of the type described in division (E)(7) of this section. This division does not preclude the court from including in a protection order or consent agreement, in circumstances other than those described in this division, a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or a family or household member, and, if the court includes any requirement of that type in an order or agreement, the court also shall include in the order

provisions of the type described in division (E)(7) of this section.

(3)(a) Any protection order issued or consent agreement approved under this section shall be valid until a date certain, but not later than five years from the date of its issuance or approval.

(b) Subject to the limitation on the duration of an order or agreement set forth in division (E)(3)(a) of this section, any order under division (E)(1)(d) of this section shall terminate on the date that a court in an action for divorce, dissolution of marriage, or legal separation brought by the petitioner or respondent issues an order allocating parental rights and responsibilities for the care of children or on the date that a juvenile court in an action brought by the petitioner or respondent issues an order awarding legal custody of minor children. Subject to the limitation on the duration of an order or agreement set forth in division (E)(3)(a) of this section, any order under division (E)(1)(e) of this section shall terminate on the date that a court in an action for divorce, dissolution of marriage, or legal separation brought by the petitioner or respondent issues a support order or on the date that a juvenile court in an action brought by the petitioner or respondent issues a support order.

(c) Any protection order issued or consent agreement approved pursuant to this section may be renewed in the same manner as the original order or agreement was issued or approved.

(4) A court may not issue a protection order that requires a petitioner to do or to refrain from doing an act that the court may require a respondent to do or to refrain from doing under division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this section unless all of the following apply:

(a) The respondent files a separate petition for a protection order in accordance with this section.

(b) The petitioner is served notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice.

(c) If the petitioner has requested an ex parte order pursuant to division (D) of this section, the court does not delay any hearing required by that division beyond the time specified in that division in order to consolidate the hearing with a hearing on the petition filed by the respondent.

(d) After a full hearing at which the respondent presents evidence in support of the request for a protection order and the petitioner is afforded an opportunity to defend against that evidence, the court determines that the petitioner has committed an act of domestic violence or has violated a temporary protection order issued pursuant to section 2919.26 of the Revised Code, that both the petitioner and the respondent acted primarily as aggressors, and that neither the petitioner nor the respondent acted primarily in self-defense.

(5) No protection order issued or consent agreement approved under this section shall in any manner affect title to any real property.

(6)(a) If a petitioner, or the child of a petitioner, who obtains a protection order or consent agreement pursuant to division (E)(1) of this section or a temporary protection order pursuant to section 2919.26 of the Revised Code and is the subject of a parenting time order issued pursuant to section 3109.051 or 3109.12 of the Revised Code or a visitation or companionship order issued pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised Code or division (E)(1)(d) of this section granting parenting time rights to the respondent, the court may require the public children services agency of the county in which the court is located to provide supervision of the respondent's exercise of parenting time or visitation or companionship rights with respect to the child for a period not to exceed nine months, if the court makes the following findings of fact:

(i) The child is in danger from the respondent;

(ii) No other person or agency is available to provide the supervision.

(b) A court that requires an agency to provide supervision pursuant to division (E)(6)(a) of this section shall order the respondent to reimburse the agency for the cost of providing the supervision, if it determines that the respondent has sufficient income or resources to pay that cost.

(7)(a) If a protection order issued or consent agreement approved under this section includes a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or a family or household member, the order or agreement shall state clearly that the order or agreement cannot be waived or nullified by an invitation to the respondent from the petitioner or other family or household member to enter the residence, school, business, or place of employment or by the respondent's entry into one of those places otherwise upon the consent of the petitioner or other family or household member.

(b) Division (E)(7)(a) of this section does not limit any discretion of a court to determine that a respondent charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance substantially equivalent to that section, or with contempt of court, which charge is based on an alleged violation of a protection order issued or consent agreement approved under this section, did not commit the violation or was not in contempt of court.

(F)(1) A copy of any protection order, or consent agreement, that is issued or approved under this section shall be issued by the court to the petitioner, to the respondent, and to all law enforcement agencies that have jurisdiction to enforce the order or agreement. The court shall direct that a copy of an order be delivered to the respondent on the same day that the order is entered.

(2) All law enforcement agencies shall establish and maintain an index for the protection orders and the approved consent agreements delivered to the agencies pursuant to division (F)(1) of this section. With respect to each order

and consent agreement delivered, each agency shall note on the index the date and time that it received the order or consent agreement.

(3) Regardless of whether the petitioner has registered the order or agreement in the county in which the officer's agency has jurisdiction pursuant to division (N) of this section, any officer of a law enforcement agency shall enforce a protection order issued or consent agreement approved by any court in this state in accordance with the provisions of the order or agreement, including removing the respondent from the premises, if appropriate.

(G) Any proceeding under this section shall be conducted in accordance with the Rules of Civil Procedure, except that an order under this section may be obtained with or without bond. An order issued under this section, other than an ex parte order, that grants a protection order or approves a consent agreement, or that refuses to grant a protection order or approve a consent agreement, is a final, appealable order. The remedies and procedures provided in this section are in addition to, and not in lieu of, any other available civil or criminal remedies.

(H) The filing of proceedings under this section does not excuse a person from filing any report or giving any notice required by section 2151.421 of the Revised Code or by any other law. When a petition under this section alleges domestic violence against minor children, the court shall report the fact, or cause reports to be made, to a county, township, or municipal peace officer under section 2151.421 of the Revised Code.

(I) Any law enforcement agency that investigates a domestic dispute shall provide information to the family or household members involved regarding the relief available under this section and section 2919.26 of the Revised Code.

(J) Notwithstanding any provision of law to the contrary and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or a court of another state, no court or unit of state or local government shall charge any fee, cost, deposit, or money in connection with the filing of a petition pursuant to this section or in connection with the filing, issuance, registration, or service of a protection order or consent agreement, or for obtaining a certified copy of a protection order or consent agreement.

(K)(1) The court shall comply with Chapters 3119., 3121., 3123., and 3125. of the Revised Code when it makes or modifies an order for child support under this section.

(2) If any person required to pay child support under an order made under this section on or after April 15, 1985, or modified under this section on or after December 31, 1986, is found in contempt of court for failure to make support payments under the order, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt.

(L)(1) A person who violates a protection order issued or a consent agreement approved under this section is subject to the following sanctions:

(a) Criminal prosecution for a violation of section 2919.27 of the Revised Code, if the violation of the protection order or consent agreement constitutes a violation of that section;

(b) Punishment for contempt of court.

(2) The punishment of a person for contempt of court for violation of a protection order issued or a consent agreement approved under this section does not bar criminal prosecution of the person for a violation of section 2919.27 of the Revised Code. However, a person punished for contempt of court is entitled to credit for the punishment imposed upon conviction of a violation of that section, and a person convicted of a violation of that section shall not subsequently be punished for contempt of court arising out of the same activity.

(M) In all stages of a proceeding under this section, a petitioner may be accompanied by a victim advocate.

(N)(1) A petitioner who obtains a protection order or consent agreement under this section or a temporary protection order under section 2919.26 of the Revised Code may provide notice of the issuance or approval of the order or agreement to the judicial and law enforcement officials in any county other than the county in which the order is issued or the agreement is approved by registering that order or agreement in the other county pursuant to division (N)(2) of this section and filing a copy of the registered order or registered agreement with a law enforcement agency in the other county in accordance with that division. A person who obtains a protection order issued by a court of another state may provide notice of the issuance of the order to the judicial and law enforcement officials in any county of this state by registering the order in that county pursuant to section 2919.272 of the Revised Code and filing a copy of the registered order with a law enforcement agency in that county.

(2) A petitioner may register a temporary protection order, protection order, or consent agreement in a county other than the county in which the court that issued the order or approved the agreement is located in the following manner:

(a) The petitioner shall obtain a certified copy of the order or agreement from the clerk of the court that issued the order or approved the agreement and present that certified copy to the clerk of the court of common pleas or the clerk of a municipal court or county court in the county in which the order or agreement is to be registered.

(b) Upon accepting the certified copy of the order or agreement for registration, the clerk of the court of common pleas, municipal court, or county court shall place an endorsement of registration on the order or agreement and give the petitioner a copy of the order or agreement that bears that proof of registration.

(3) The clerk of each court of common pleas, the clerk of each municipal court, and the clerk of each county court shall maintain a registry of certified copies of temporary protection orders, protection orders, or consent agreements that have been issued or approved by courts in other counties and that have been registered with the clerk."

In line 2756, delete "2950.031" and insert "2919.26"; after "2950.11," insert "3113.31,"

In line 3 of the title, delete "2950.031" and insert "2919.26"; after "2950.11," insert "3113.31,"

In line 21 of the title, after the semicolon, insert "to provide for the issuance of temporary protection orders and civil protection orders for victims of sexually oriented offenses;"

In line 30 of the title, delete everything after the semicolon

Delete lines 31 and 32 of the title

In line 33 of the title, delete everything before "to"

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 Redfern moved that House Rule 71 be suspended.

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

03/29/06

The Honorable Jon A. Husted, Speaker
The Ohio House of Representatives
Columbus, Ohio
Speaker Husted,

Pursuant to House Rule No. 57, I respectfully request that I be excused from voting on **Sub. S. B. No. 17**-Senator Spada, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ MARK D. WAGONER
MARK D. WAGONER
State Representative
46th House District

The request was granted.

03/29/06

The Honorable Jon A. Husted, Speaker
The Ohio House of Representatives
Columbus, Ohio
Speaker Husted,

Pursuant to House Rule No. 13th, I respectfully request that I be excused from voting on **Sub. S. B. No. 17**-Senator Spada, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ MICHAEL J. SKINDELL
MICHAEL J. SKINDELL
State Representative
13th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 33, nays 58, as follows:

Those who voted in the affirmative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brown	Carano	Cassell
DeGeeter	Distel	Domenick	Driehaus
Fende	Garrison	Hartnett	Harwood
Healy	Key	Koziura	Mason
Mitchell	Otterman	Patton S.	Perry
Redfern	Sayre	Smith S.	Stewart D.
Strahorn	Sykes	Williams	Yates
			Yuko-33.

Those who voted in the negative were: Representatives

Aslanides	Blasdel	Blessing	Brinkman
Bubp	Buehrer	Calvert	Carmichael
Coley	Collier	Combs	Core
Daniels	DeWine	Dolan	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
Reed	Reidelbach	Reinhard	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Smith G.	Stewart J.	Trakas

Uecker
Widener
Woodard

Wagner
Widowfield

Webster
Willamowski

White
Wolpert
Husted-58.

The motion was not agreed to.

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

Representative Beatty moved to amend as follows:

In lines 1717 and 1723, after "premises" insert ". child day-care center premises, or type A family day-care home premises"

Between lines 1735 and 1736, insert:

"(C) As used in this section, "child day-care center" and "type A family day-care home" have the same meanings as in section 5104.01 of the Revised Code."

In line 33 of the title, after "offense" insert "or the premises of a child day-care center or a type A family day-care home"

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 55, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Blessing	Brinkman
Bubp	Buehrer	Calvert	Carmichael
Coley	Collier	Combs	Core
Daniels	DeWine	Dolan	Evans D.
Fessler	Flowers	Gibbs	Gilb
Hagan	Hood	Hoops	Hughes
Kilbane	Latta	Law	Martin
McGregor J.	McGregor R.	Oelslager	Patton T.
Peterson	Raga	Raussen	Reed
Reidelbach	Reinhard	Schaffer	Schlichter
Schneider	Seaver	Seitz	Setzer
Stewart J.	Trakas	Uecker	Wagner
Webster	White	Widener	Widowfield
Willamowski	Wolpert		Husted-55.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brown	Carano	Cassell
Chandler	DeGeeter	Distel	Domenick
Driehaus	Faber	Fende	Garrison
Hartnett	Harwood	Healy	Key
Koziura	Mason	Mitchell	Otterman
Patton S.	Perry	Redfern	Sayre
Smith G.	Smith S.	Stewart D.	Strahorn

Sykes
Yates

Ujvagi

Williams

Woodard
Yuko-38.

The motion to amend was laid on the table.

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

Representative Beatty moved to amend as follows:

Between lines 2785 and 2786, insert:

"(C) If a person was the victim of childhood sexual abuse that occurred prior to the effective date of this act but not earlier than thirty-five years prior to the effective date of this act, and if a civil action for assault or battery based on the childhood sexual abuse has never been filed by the victim and the period of limitations that was applicable to the assault or battery has expired on or before the effective date of this act or a civil action for assault or battery based on the childhood sexual abuse was filed by the victim and it was dismissed prior to, or is dismissed on or after, the effective date of this act because of the expiration of the period of limitations that was applicable to the assault or battery, notwithstanding the expiration of the period of limitations that applied to assault or battery based on childhood sexual abuse, the victim of childhood sexual abuse may bring an action asserting a claim for assault or battery based on the childhood sexual abuse within one of the following periods of time, as applicable:

(1) Except as provided in division (C)(2) of this section, at any time beginning on the effective date of this act and ending one year after the effective date of this act;

(2) If a civil action for assault or battery based on the childhood sexual abuse was filed and it is pending in any court, including an appellate court, on the effective date of this act, at any time beginning on the effective date of this act and ending two years after the effective date of this act.

(D) If a person was the victim of childhood sexual abuse that occurred prior to the effective date of this act but not earlier than thirty-five years prior to the effective date of this act, and if a civil action for a claim resulting from the childhood sexual abuse has never been filed by the victim and the period of limitations that was applicable to that claim has expired on or before the effective date of this act or a civil action for a claim resulting from the childhood sexual abuse was filed by the victim and it was dismissed prior to, or is dismissed on or after, the effective date of this act because of the expiration of the period of limitations that was applicable to that claim, notwithstanding the expiration of the period of limitations that applied to that type of claim resulting from childhood sexual abuse, the victim of childhood sexual abuse may bring an action asserting the claim resulting from the childhood sexual abuse within one of the following periods of time, as applicable:

(1) Except as provided in division (D)(2) of this section, within the time

period specified in division (C)(1) of this section;

(2) If a civil action for the claim resulting from the childhood sexual abuse was filed by the victim and it is pending in any court, including an appellate court, on the effective date of this act, within the time period specified in division (C)(2) of this section."

In line 36 of the title, after the semicolon insert "to provide a period of one or two years, depending upon the circumstances, for the filing of assault or battery actions by victims of childhood sexual abuse based on childhood sexual abuse occurring within the preceding 35 years, or civil actions by victims of childhood sexual abuse asserting resulting claims, that otherwise are barred by the expiration of the period of limitations;"

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 38, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Blessing	Brinkman
Bubp	Buehrer	Calvert	Carmichael
Coley	Collier	Combs	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	Reed	Reidelbach	Reinhard
Schaffer	Schlichter	Schneider	Seitz
Setzer	Smith G.	Stewart J.	Trakas
Uecker	Wagner	Webster	White
Widener	Widowfield	Willamowski	Wolpert
			Husted-57.

Those who voted in the negative were: Representatives

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

The motion to amend was laid on the table.

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

Representative Beatty moved to amend as follows:

In line 967, delete "twelve" and insert "twenty"

In line 21 of the title, delete "ten" and insert "twenty"

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 56, nays 39, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Blessing	Brinkman
Bubp	Buehrer	Calvert	Carmichael
Coley	Collier	Combs	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
Raussen	Reed	Reidelbach	Reinhard
Schaffer	Schlichter	Schneider	Seitz
Setzer	Smith G.	Stewart J.	Uecker
Wagner	Webster	White	Widener
Widowfield	Willamowski	Wolpert	Husted-56.

Those who voted in the negative were: Representatives

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

The motion to amend was laid on the table.

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

The yeas and nays were taken and resulted - yeas 77, nays 18, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Blasdel	Blessing
Bocchieri	Brinkman	Brown	Bubp
Buehrer	Calvert	Carano	Carmichael
Cassell	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	Hood	Hoops	Hughes
Kilbane	Latta	Law	Martin
Mason	McGregor J.	McGregor R.	Oelslager
Otterman	Patton T.	Peterson	Raga
Rausen	Reed	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Smith G.
Stewart J.	Trakas	Uecker	Wagner
Webster	White	Widener	Widowfield
Willamowski	Williams	Wolpert	Woodard
			Husted-77.

Those who voted in the negative were: Representatives

Barrett	Beatty	Book	Chandler
Healy	Key	Koziura	Mitchell
Patton S.	Perry	Redfern	Smith S.
Stewart D.	Strahorn	Sykes	Ujvagi
Yates			Yuko-18.

The bill passed.

Representative Willamowski moved to amend the title as follows:

Add the names: "Aslanides, Blessing, Carano, Cassell, Coley, Collier, DeBose, Evans, C., Evans, D., Hagan, Harwood, Kilbane, McGregor, J., Patton, T., Schaffer, Setzer, Smith, G., Woodard."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Blasdel, the House recessed.

The House met pursuant to recess.

Sub. S. B. No. 8-Senators Austria, Jacobson, Gardner, Coughlin, Zurz, Mumper, Padgett, Clancy, Grendell, Hottinger, Harris, Miller, R., Niehaus, Dann. -Representatives Latta, Hughes.

To amend sections 1547.01, 1547.11, 1547.111, 1547.99, 1905.01, 1905.03, 1905.05, 1905.201, 2317.02, 2317.022, 2317.422, 2743.51, 2919.22, 2937.46, 2951.02, 3701.143, 3937.41, 4506.17, 4510.01, 4510.032, 4510.036, 4510.17, 4510.54, 4511.181, 4511.19, 4511.191, 4511.192, 4511.194, and 4766.15 and to enact section 4510.011 of the Revised Code to prohibit the operation of a vehicle or vessel if a statutorily specified concentration of amphetamine, cocaine, cocaine metabolite, heroin, heroin metabolite (6-monoacetyl morphine), L.S.D., marihuana, marihuana metabolite, methamphetamine, or phencyclidine is present in the operator's blood or urine, subject to certain exceptions; to extend the time within which a chemical test of an arrested person's whole blood, blood serum or plasma, breath, or urine must be taken in

order for the results of the test to be admissible as evidence; to define drug of abuse for certain watercraft and motor vehicle-related provisions; and to make other related changes, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 90, nays 6, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	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.	Evans D.	Faber	Fende
Fessler	Flowers	Garrison	Gibbs
Gilb	Hagan	Hartnett	Harwood
Hood	Hoops	Hughes	Koziura
Latta	Law	Martin	Mason
McGregor J.	McGregor R.	Mitchell	Oelslager
Otterman	Patton S.	Patton T.	Perry
Peterson	Raga	Rausen	Redfern
Reed	Reidelbach	Reinhard	Sayre
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Smith G.	Stewart D.
Stewart J.	Strahorn	Sykes	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Webster	White	Widener	Widowfield
Willamowski	Williams	Wolpert	Woodard
Yuko			Husted-90.

Representatives Brinkman, Healy, Key, Kilbane, Skindell, and Yates voted in the negative-6.

The bill passed.

Representative Hughes moved to amend the title as follows:

Add the names: "Allen, Book, Bubp, Calvert, Chandler, Core, DeBose, DeGeeter, Domenick, Evans, C., Evans, D., Flowers, Gilb, Hagan, Harwood, Law, McGregor, J., Oelslager, Patton, T., Reidelbach, Sayre, Smith, G., Willamowski, Woodard."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 185-Senators Padgett, Schuring, Roberts, Carey, Amstutz, Armbruster, Brady, Dann, Fedor, Fingerhut, Grendell, Hagan, Harris, Jacobson, Miller, R., Prentiss, Spada, Zurz, Mumper, Clancy. -Representatives Coley, Smith, G., Wagoner, Hagan, Schneider, Evans, C., Patton, T., White, Smith, S., Stewart, J., Stewart, D., Allen, Healy, Koziura, Bocchieri, Widener.

To amend sections 109.572, 1321.57, 1322.02, 1322.03, 1322.031, 1322.04, 1322.041, 1322.051, 1322.06, 1322.061, 1322.062, 1322.07, 1322.10, 1322.11, 1322.99, 1349.25, 1349.27, 1349.31, 3953.23, 4735.05, 4763.03, 4763.05, 4763.06, 4763.12, 4763.13, and 4763.99 and to enact sections 1321.541, 1322.063, 1322.064, 1322.074, 1322.075, 1322.081, 1349.38, 1349.39, 1349.40, 1349.41, 1349.42, 1349.43, 1349.44, 1349.71, 1349.72, 3953.30, 3953.32, 3953.33, and 4763.19 of the Revised Code to establish several new consumer protections relative to certain mortgage loans; to generally prohibit the appraisal of real estate for a mortgage loan without state certification or licensure; to require that a national criminal background check be conducted on all applicants for a mortgage broker certificate of registration, loan officer license, or real estate appraiser certificate or license; to establish the consumer education finance board; to modify the Mortgage Broker/Loan Officer Law with respect to disclosure of information, fiduciary duties, prohibited acts, record keeping, pre-licensure broker education, and pre-licensure examination; to require title insurance agents to notify purchasers of the availability of owner's title insurance when issuing lender's title insurance in conjunction with a residential mortgage loan and to explain what owner's title insurance covers; to require title insurance agents to maintain errors and omissions insurance; to authorize title insurers to issue settlement protection; and to make other changes relative to mortgage lending, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Blasdel moved that **Sub. S. B. No. 185**-Senator Padgett, et al., be informally passed and retain its place on the calendar.

The motion was agreed to.

Am. Sub. S. B. No. 265-Senators Spada, Carey, Mumper, Niehaus, Amstutz, Armbruster, Clancy, Stivers, Goodman, Harris, Wachtmann. -Representatives Trakas, Hagan, Wolpert, Combs, Collier, Reinhard, Law, Cassell.

To amend section 3704.03 of the Revised Code to make changes in the Air Pollution Control Law regarding the costs of compliance with rules, permits to install, air quality monitoring, and best available technology, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Skindell moved to amend as follows:

In line 538, after "(T)" reinsert the balance of the line

Reinsert lines 539 through 554

In line 555, reinsert "with those regulations" and delete the balance of the line

Delete lines 556 through 602

In line 603, delete everything before the period

In line 4 of the title, after the first comma insert "and"; delete ", and best"

In line 5 of the title, delete "available technology"

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 61, nays 35, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Blessing	Bubp
Buehrer	Calvert	Carmichael	Cassell
Coley	Collier	Combs	Core
Daniels	DeWine	Distel	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	Reed	Reidelbach
Reinhard	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Smith G.
Stewart J.	Trakas	Uecker	Wagner
Wagoner	Webster	White	Widener
Widowfield	Willamowski	Wolpert	Woodard
			Husted-61.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano
Chandler	DeBose	DeGeeter	Domenick
Driehaus	Fende	Garrison	Hartnett
Harwood	Healy	Key	Koziura
Mason	Mitchell	Otterman	Patton S.
Perry	Redfern	Sayre	Skindell
Stewart D.	Strahorn	Sykes	Ujvagi
Williams	Yates		Yuko-35.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Skindell moved to amend as follows:

In line 57, after the underlined comma insert "the overall health and environmental benefit within this state of compliance with the rules."

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 60, nays 36, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Blessing	Bubp
Buehrer	Calvert	Carmichael	Cassell
Coley	Collier	Combs	Core
Daniels	DeWine	Distel	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	Raussen	Reed	Reidelbach
Reinhard	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Smith G.
Stewart J.	Trakas	Uecker	Wagner
Wagoner	Webster	White	Widener
Widowfield	Willamowski	Wolpert	Husted-60.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano
Chandler	DeBose	DeGeeter	Domenick
Driehaus	Fende	Garrison	Hartnett
Harwood	Healy	Key	Koziura
Mason	Mitchell	Otterman	Patton S.
Perry	Redfern	Sayre	Skindell
Stewart D.	Strahorn	Sykes	Ujvagi
Williams	Woodard	Yates	Yuko-36.

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 67, nays 29, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Blasdel	Blessing
Bocchieri	Book	Brown	Bubp
Buehrer	Calvert	Carano	Carmichael
Cassell	Coley	Collier	Combs
Core	Daniels	DeWine	Distel
Dolan	Evans D.	Faber	Fessler
Flowers	Gibbs	Gilb	Hagan
Hartnett	Harwood	Healy	Hood
Hoops	Hughes	Kilbane	Latta
Law	Martin	McGregor J.	McGregor R.
Oelslager	Patton T.	Perry	Raga
Raussen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Smith G.
Trakas	Uecker	Wagner	Wagoner

Webster Willamowski	White Wolpert	Widener	Widowfield Husted-67.
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Those who voted in the negative were: Representatives

Barrett	Beatty	Brinkman	Chandler
DeBose	DeGeeter	Domenick	Driehaus
Evans C.	Fende	Garrison	Key
Koziura	Mason	Mitchell	Otterman
Patton S.	Peterson	Skindell	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Ujvagi	Williams	Woodard	Yates
			Yuko-29.

The bill passed.

Representative Widener moved to amend the title as follows:

Add the names: "Buehrer, Faber, Flowers, Gibbs, Gilb, Hood, Martin, McGregor, J., McGregor, R., Patton, T., Schaffer, Seitz, Setzer, Uecker, Webster, Widener, Widowfield."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. H. B. No. 298-Representatives Peterson, Daniels, C. Evans, Carano, McGregor, Ujvagi, Combs, Aslanides, Harwood, Seaver, Miller, Latta, Oelslager, Kearns, Setzer, Perry, Seitz, Chandler, Schaffer, S. Patton, Reidelbach, Hughes, Otterman, Willamowski, Hoops, Mason, Allen, Hagan, Wagoner, Redfern, Flowers.

To amend section 4501.21 and to enact section 4503.493 of the Revised Code to establish an autism awareness license plate and to provide that money from the contributions for the license plates be used to pay for programs and awareness efforts of the Autism Society of Ohio, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 93, nays 3, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Boccieri	Book
Brinkman	Brown	Bubp	Buehrer
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

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	Schneider
Seaver	Seitz	Setzer	Skindell
Smith G.	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Trakas	Uecker
Ujvagi	Wagner	Wagoner	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Woodard	Yuko
			Husted-93.

Representatives Calvert, Healy, and Yates voted in the negative-3.

The bill passed.

Representative Peterson moved to amend the title as follows:

Add the names: "Barrett, Beatty, Book, Cassell, DeBose, Distel, Domenick, Evans, D., Hartnett, Key, Kilbane, Schlichter, Stewart, D., Stewart, J., Sykes, Williams, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 371-Representatives Buehrer, Trakas, Raussen, Gibbs, McGregor, J., Uecker, Reidelbach, Brinkman, Combs, Faber, White, Schaffer, Hagan, Wagoner, Hughes, Oelslager, Hood, Fessler, Fende, Allen, Perry, Yuko, Bubb, Latta, Stewart, J., Martin.

To create the Fuel Production Task Force to study opportunities for and barriers to increasing fuel production in this state, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

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	Bubb	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	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	Schneider	Seaver	Seitz
Setzer	Skindell	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Woodard	Yates	Yuko	Husted-96.

The bill passed.

Representative Buehrer moved to amend the title as follows:

Add the names: "Beatty, Blessing, Boccieri, Book, Brown, Calvert, Carano, Cassell, Collier, Daniels, DeBose, DeGeeter, Distel, Dolan, Domenick, Evans, C., Evans, D., Flowers, Garrison, Gilb, Hartnett, Harwood, Healy, Key, Law, Mason, Otterman, Patton, T., Peterson, Raga, Redfern, Sayre, Schlichter, Schneider, Seaver, Seitz, Smith, G., Stewart, D., Wagner, Webster, Widowfield, Willamowski, Williams."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Representative Blasdel moved that the House revert to the third order of business, being consideration of Senate amendments.

The motion was agreed to.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Am. Sub. H. B. No. 23**-Representative Reidelbach, et al., were taken up for consideration.

Am. Sub. H. B. No. 23-Representatives Reidelbach, Wolpert, Wagner, Flowers, McGregor, Faber, Hood, Calvert, Taylor, Seitz, Raga, Schaffer, Fessler, White, Combs, Brinkman, Allen, Webster, Barrett, Hartnett, DeGeeter, Gilb, Brown, Otterman, Collier, Aslanides, Latta, Buehrer, Distel, C. Evans, Hagan, Hoops, Law, Miller, Perry, Schneider, Seaver, Setzer, Strahorn, Williams. -Senators Schuring, Prentiss, Zurz, Roberts, Fedor, Hottinger, Austria, Jacobson, Harris, Amstutz, Cates, Clancy, Dann, Gardner, Goodman, Kearney, Miller, R., Niehaus, Schuler, Wachtmann, Grendell.

To amend sections 303.02, 309.09, 503.29, 504.04, 504.15, 519.02, 1901.182, 1901.31, 1907.012, 1907.20, 2151.022, 2152.02, 2505.08, 2506.01, 2506.02, 2506.03, 2506.04, 2907.01, and 4301.25, to amend, for the purpose of adopting a new section number as indicated in parentheses, section 503.29

(503.53), to enact new sections 503.51 and 503.52 and sections 2506.05, 2506.06, 2506.07, 2506.08, 2907.38, and 2907.39, and to repeal sections 503.51, 503.52, 503.53, 503.54, 503.55, 503.56, 503.57, 503.58, 503.59, 503.65, and 503.99 of the Revised Code to grant townships full authority to exercise all powers of local self-government regarding the operation of adult entertainment establishments and to adopt by resolution and enforce within their limits any local police, sanitary, and similar regulations regarding the operation of adult entertainment establishments that are not in conflict with general laws; to require the prosecuting attorney, upon the request of any township that has adopted any resolution of that nature and on behalf of the township, to prosecute and defend on behalf of the township in the trial and argument of any challenge to the validity of the resolution or to prosecute and defend on behalf of the township actions for injunction or nuisance abatement regarding violations of the resolution; to create an expedited appeal from orders, adjudications, or decisions denying an application for, or suspending or revoking, a license or permit to locate or operate such an establishment; to create an expedited appeal in any case in which a court determines there is a threat of restraint of protected expression; and to create the offenses of permitting unlawful operation of viewing booths depicting sexual conduct, permitting a juvenile on the premises of an adult entertainment establishment, and use by a juvenile of false information to enter an adult entertainment establishment.

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

The yeas and nays were taken and resulted - yeas 95, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	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	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	Schneider	Seaver	Seitz
Setzer	Skindell	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Uecker	Ujvagi	Wagner	Wagoner
Webster	White	Widener	Widowfield

Willamowski
Yates

Williams
Yuko

Wolpert

Woodard
Husted-95.

Representative Trakas voted in the negative-1.

The Senate amendments were concurred in.

The Senate amendments to **Am. Sub. H. B. No. 46**-Representative Schaffer, et al., were taken up for consideration.

Am. Sub. H. B. No. 46-Representatives Schaffer, McGregor, J., Fessler, Taylor, Reidelbach, Martin, Aslanides, Blessing, Brinkman, Buehrer, Cassell, Chandler, Collier, Combs, Core, Dolan, Domenick, Evans, C., Evans, D., Faber, Flowers, Gilb, Hagan, Hughes, Law, Patton, T., Raussen, Sayre, Schneider, Seitz, Setzer, Smith, G., Trakas, Wagoner, White, Willamowski, Wolpert, Yuko, Coley. -Senators Armbruster, Carey, Cates, Clancy, Coughlin, Gardner, Goodman, Hottinger, Mumper, Niehaus, Schuler, Schuring, Spada, Stivers, Harris.

To amend section 9.833 and to enact section 305.172 of the Revised Code to permit political subdivisions to offer and make contributions to health savings accounts for employees.

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	Blessing	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	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	Schneider	Seaver	Seitz
Setzer	Skindell	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Woodard	Yuko		Husted-95.

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 289**-Representative White, et al., were taken up for consideration.

Sub. H. B. No. 289-Representatives White, Beatty, Barrett, Brown, Smith, S., Martin, Mason, Allen, DeBose, Domenick, Evans, C., Flowers, Harwood, Hughes, Key, McGregor, J., Oelslager, Schlichter, Skindell, Stewart, D., Strahorn, Yuko. -Senators Niehaus, Padgett, Hagan, Zurz, Kearney, Dann, Stivers.

To amend section 121.37 and to enact section 121.374 of the Revised Code regarding the duties of the Ohio Family and Children First Cabinet Council and county family and children first councils.

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

The yeas and nays were taken and resulted - yeas 95, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	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	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
Schneider	Seaver	Seitz	Setzer
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Webster	White	Widener	Widowfield
Willamowski	Williams	Wolpert	Woodard
Yates	Yuko		Husted-95.

Representative Hood voted in the negative-1.

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 440**-Representative Stewart, J., et al., were taken up for consideration.

Sub. H. B. No. 440-Representatives Stewart, J., Martin, McGregor, J., Ujvagi, Yuko, Reinhard, Seitz, Uecker, Blasdel, Evans, C., Garrison, Hood,

Reidelbach, Hagan, Brinkman, Blessing, Sayre, Bubp, Collier, Aslanides, Brown, Cassell, Chandler, Combs, DeBose, Domenick, Fende, Harwood, Hughes, Law, Otterman, Raussen, Schaffer, Strahorn, Taylor, Trakas, Wagner, Wolpert, Barrett, Boccieri, Book, Buehrer, Calvert, Carano, Carmichael, Coley, Core, Daniels, Distel, Dolan, Driehaus, Evans, D., Faber, Flowers, Gibbs, Gilb, Hartnett, Healy, Key, Latta, Mason, McGregor, R., Miller, Mitchell, Oelslager, Patton, S., Patton, T., Perry, Peterson, Raga, Schlichter, Setzer, Smith, G., Stewart, D., Wagoner, Webster, White, Widener, Willamowski, Williams, Woodard, Yates, Beatty. -Senators Carey, Spada, Hottinger, Niehaus, Hagan, Fedor, Mumper, Amstutz, Armbruster, Dann, Fingerhut, Harris, Kearney, Miller, R., Padgett, Roberts, Schuring, Schuler, Wilson, Zurz, Coughlin, Cates, Goodman.

To amend section 3706.01 and to enact section 3706.101 of the Revised Code and to amend Section 203.27 of Am. Sub. H.B. 66 of the 126th General Assembly to revise the definition of "air quality facility" under the Air Quality Development Authority Law, to create the FutureGen Initiative Fund, and to make an appropriation.

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

The yeas and nays were taken and resulted - yeas 95, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	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	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
Schneider	Seaver	Seitz	Setzer
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Webster	White	Widener	Widowfield
Willamowski	Williams	Wolpert	Woodard
Yates	Yuko		Husted-95.

Representative Fessler voted in the negative-1.

The Senate amendments were concurred in.

The Senate amendments to **Am. Sub. H. B. No. 530**-Representative Calvert, et al., were taken up for consideration.

Am. Sub. H. B. No. 530-Representatives Calvert, Coley, Allen, Aslanides, Collier, Combs, Dolan, Evans, C., Evans, D., Flowers, Hagan, Law, Martin, McGregor, R., Peterson, Schneider, Seitz, Setzer, Webster, White, Widowfield. -Senators Carey, Harris, Spada.

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, 121.37, 122.17, 122.171, 122.72, 122.73, 122.74, 122.90, 124.09, 124.11, 124.134, 124.135, 124.137, 124.138, 124.139, 124.14, 124.151, 124.152, 124.18, 124.181, 124.182, 124.321, 124.324, 124.327, 124.382, 124.384, 124.386, 124.387, 124.389, 124.391, 124.82, 124.821, 124.823, 124.84, 124.87, 125.21, 126.07, 126.21, 126.22, 131.01, 131.02, 131.33, 133.01, 133.04, 133.06, 133.12, 133.18, 141.08, 141.10, 145.70, 173.14, 173.39, 173.391, 173.41, 184.20, 319.301, 340.021, 742.57, 901.23, 927.39, 927.40, 927.41, 927.42, 955.011, 955.16, 955.43, 1309.102, 1309.520, 1309.521, 1317.07, 1321.02, 1333.11, 1333.82, 1523.02, 1901.31, 1901.311, 1901.32, 1901.33, 2151.357, 2152.44, 2305.2341, 2503.20, 2913.01, 2913.02, 2921.321, 2923.46, 2925.44, 2933.43, 3109.14, 3301.0714, 3302.021, 3307.32, 3309.68, 3310.03, 3310.06, 3310.08, 3310.16, 3311.057, 3313.29, 3313.372, 3313.61, 3313.64, 3313.6410, 3313.813, 3314.02, 3314.03, 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, 3318.052, 3318.37, 3319.17, 3323.091, 3323.13, 3323.20, 3353.02, 3354.10, 3357.10, 3358.06, 3362.01, 3365.02, 3375.121, 3381.15, 3381.17, 3517.152, 3701.041, 3701.341, 3701.65, 3705.242, 3718.02, 3734.57, 3735.67, 3745.114, 3769.087, 3901.383, 3901.3814, 3905.43, 3917.04, 4109.01, 4109.02, 4109.06, 4117.01, 4123.444, 4301.01, 4303.17, 4303.181, 4303.182, 4303.29, 4731.22, 4731.281, 4781.04, 4905.79, 5101.93, 5111.011, 5111.0112, 5111.061, 5111.081, 5111.11, 5111.151, 5111.161, 5111.162, 5111.20, 5111.222, 5111.231, 5111.244, 5111.27, 5111.31, 5111.88, 5111.882, 5111.889, 5111.8811, 5111.8812, 5112.08, 5112.18, 5112.31, 5115.04, 5119.16, 5123.0413, 5123.196, 5123.36, 5139.50, 5505.27, 5531.10, 5577.99, 5703.21, 5703.57, 5705.03, 5705.091, 5705.19, 5705.195, 5705.34, 5709.08, 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, 5743.18, 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, 5751.53, 5923.05, and 6121.02; 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), 5101.93 (5111.178), 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, 3365.11, and 5111.18 and sections 124.392, 131.022, 173.27, 307.761, 333.01, 333.02, 333.03, 333.04, 333.05, 333.06, 333.07, 3310.11, 3310.12, 3314.18, 3323.143, 3701.046, 3701.79, 4303.207, 4503.105, 5111.0116, 5111.0117, 5111.0118, 5111.101, 5111.163, 5111.8813, 5111.8814, 5111.8815, 5111.8816, 5111.8817, 5111.941, 5111.943, 5112.311, 5123.37, 5123.371, 5123.372, 5123.373, 5123.374, 5123.375, 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 124.822, 124.92, 3325.12, 3325.17, 3365.11, 4732.04, and 5111.18 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, 203.99.30, 203.99.48, 206.03, 206.09, 206.09.12, 206.09.15, 206.09.21, 206.09.27, 206.09.36, 206.09.39, 206.09.42, 206.09.61, 206.09.63, 206.09.66, 206.09.84, 206.16, 206.42, 206.42.09, 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, 209.72, 209.75, 209.78.03, 209.81, 209.90.06, 212.03, 212.24, 212.27, 212.30, 212.33, 557.12, and 612.36.03 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, 22.04, 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; to amend Section 22 of Am. Sub. S.B. 189 of the 125th General Assembly, as subsequently amended; to repeal Section 5 of Am. Sub. S.B. 234 of the 125th General Assembly; and to repeal Sections 315.03 and 557.09.09 of Am. Sub. H.B. 66 of the 126th General Assembly to make capital reappropriations 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.

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

03/29/06

The Honorable Jon A. Husted, Speaker
The Ohio House of Representatives
Columbus, Ohio

Speaker Husted,

Pursuant to House Rule No. 57, I respectfully request that I be excused from voting on **Am. Sub. H. B. No. 530**-Representative Calvert, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ LANCE T. MASON
LANCE T. MASON
State Representative
8th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 93, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	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	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	Rausen
Redfern	Reidelbach	Reinhard	Sayre
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Skindell	Smith G.
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Trakas	Uecker	Ujvagi
Wagner	Wagoner	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Woodard	Yates	Yuko
			Husted-93.

Representatives Fessler and Hood voted in the negative-2.

The Senate amendments were concurred in.

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:

Am. Sub. H. B. No. 95 - Representatives Seitz, McGregor, C. Evans, Allen, Widener, Wolpert, Combs, Latta, T. Patton, Schaffer, Raussen, Wagoner, Faber, Webster, Hoops, Taylor, Gilb, Raga, Brinkman, Hagan, Reidelbach, White, Willamowski, Harwood, Uecker, G. Smith, Gibbs, Schneider, Hartnett, Carmichael, Buehrer, Seaver, Hughes, Collier, Trakas, Flowers, Oelslager, D. Evans, Aslanides, Blessing, Bubp, Calvert, Daniels, Dolan, Domenick, Law, Martin, Reinhard, Setzer, Widowfield Senators Dann, Cates, Clancy, Gardner, Goodman, Hagan, Hottinger, Mumper, Niehaus, Padgett, Spada, Stivers, Zurz, Wachtmann, Jordan, Jacobson, Armbruster, Fedor, Schuler, Grendell, Roberts, Harris, Austria

To amend sections 2152.17, 2901.08, 2903.11, 2907.01, 2907.03, 2907.05, 2919.26, 2929.01, 2929.13, 2929.14, 2941.149, 2953.08, and 3113.31 and to enact section 2152.192 of the Revised Code relative to the sentences imposed on repeat violent offenders, to the appeal of repeat violent offender sentences, to the penalty for sexual battery and gross sexual imposition when the victim of the offense is under 13 years of age, to the issuance of temporary protection orders and civil protections orders for victims of sexually oriented offenses, the notification of JFS-certified facilities regarding children adjudicated delinquent for acts that are sexually oriented offenses, and to the Sex Offense Law definition of "sexual conduct."

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested:

In line 15, after "3113.31" insert "be amended and section 2152.192"; delete "amended" and insert "enacted"

Between lines 146 and 147, insert:

"Sec. 2152.192. If a court or child welfare agency places a delinquent child in an institution or association, as defined in section 5103.02 of the Revised Code, that is certified by the department of job and family services pursuant to section 5103.03 of the Revised Code and if that child has been adjudicated delinquent for committing an act that is a sexually oriented offense in either a prior delinquency adjudication or in the current delinquency adjudication, the court or child welfare agency shall notify the operator of the institution or association and the sheriff of the county in which the institution or association is located that the child has been adjudicated delinquent for committing an act that is a sexually oriented offense."

In line 3 of the title, after "3113.31" insert "and to enact section 2152.192"

In line 11 of the title, after "offenses" insert ", the notification of JFS-certified facilities regarding children adjudicated delinquent for acts that are sexually oriented offenses"

Attest:

David A. Battocletti,
Clerk.

Representative Blasdel moved that House Rules be suspended and that the Senate amendments to **Am. Sub. H. B. No. 95** - Representative Seitz, et al., be taken up for immediate consideration.

The motion was agreed to.

The Senate amendments to **Am. Sub. H. B. No. 95**-Representative Seitz, et al., were taken up for consideration.

Am. Sub. H. B. No. 95-Representatives Seitz, McGregor, C. Evans, Allen, Widener, Wolpert, Combs, Latta, T. Patton, Schaffer, Raussen, Wagoner, Faber, Webster, Hoops, Taylor, Gilb, Raga, Brinkman, Hagan, Reidelbach, White, Willamowski, Harwood, Uecker, G. Smith, Gibbs, Schneider, Hartnett, Carmichael, Buehrer, Seaver, Hughes, Collier, Trakas, Flowers, Oelslager, D. Evans, Aslanides, Blessing, Bulp, Calvert, Daniels, Dolan, Domenick, Law, Martin, Reinhard, Setzer, Widowfield. -Senators Dann, Cates, Clancy, Gardner, Goodman, Hagan, Hottinger, Mumper, Niehaus, Padgett, Spada, Stivers, Zurz, Wachtmann, Jordan, Jacobson, Armbruster, Fedor, Schuler, Grendell, Roberts, Harris, Austria.

To amend sections 2152.17, 2901.08, 2903.11, 2907.01, 2907.03, 2907.05, 2919.26, 2929.01, 2929.13, 2929.14, 2941.149, 2953.08, and 3113.31 and to enact section 2152.192 of the Revised Code relative to the sentences imposed on repeat violent offenders, to the appeal of repeat violent offender sentences, to the penalty for sexual battery and gross sexual imposition when the victim of the offense is under 13 years of age, to the issuance of temporary protection orders and civil protections orders for victims of sexually oriented offenses, the notification of JFS-certified facilities regarding children adjudicated delinquent for acts that are sexually oriented offenses, and to the Sex Offense Law definition of "sexual conduct."

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

The yeas and nays were taken and resulted - yeas 95, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Boccieri	Book
Brinkman	Brown	Bulp	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	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	Schneider	Seaver	Seitz
Setzer	Skindell	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Woodard	Yuko		Husted-95.

Representative Yates voted in the negative-1.

The Senate amendments were concurred in.

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. 96 - Representatives Seitz, McGregor, C. Evans, Combs, Hartnett, Latta, Schaffer, Webster, Taylor, Gilb, Otterman, White, D. Evans, Willamowski, Uecker, Koziura, Hughes, Seaver, Barrett, Bulp, Buehrer, Carano, Cassell, Collier, Core, Daniels, Dolan, Domenick, Fessler, Gibbs, Hoops, T. Patton, Raga, Reidelbach, Schneider, Setzer, G. Smith, D. Stewart, Wagoner, Walcher Senators Dann, Zurz, Clancy, Kearney, Mumper, Niehaus, Schuler

To enact sections 2911.10 and 2911.23 of the Revised Code to create the offense of criminal trespass on a place of public amusement and to clarify the element of "trespass" in the offenses of aggravated burglary, burglary, and breaking and entering.

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

Attest:

David A. Battocletti,
Clerk.

Representative Blasdel moved that House Rules be suspended and that the Senate amendments to **Sub. H. B. No. 96** - Representative Seitz, et al., be taken up for immediate consideration.

The motion was agreed to.

The Senate amendments to **Sub. H. B. No. 96**-Representative Seitz, et al., were taken up for consideration.

Sub. H. B. No. 96-Representatives Seitz, McGregor, C. Evans, Combs, Hartnett, Latta, Schaffer, Webster, Taylor, Gilb, Otterman, White, D. Evans, Willamowski, Uecker, Koziura, Hughes, Seaver, Barrett, Bulp, Buehrer, Carano, Cassell, Collier, Core, Daniels, Dolan, Domenick, Fessler, Gibbs, Hoops, T. Patton, Raga, Reidelbach, Schneider, Setzer, G. Smith, D. Stewart, Wagoner, Walcher. -Senators Dann, Zurz, Clancy, Kearney, Mumper, Niehaus, Schuler.

To enact sections 2911.10 and 2911.23 of the Revised Code to create the offense of criminal trespass on a place of public amusement and to clarify the element of "trespass" in the offenses of aggravated burglary, burglary, and breaking and entering.

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

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	Bulp	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	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	Schneider	Seaver	Seitz
Setzer	Skindell	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Woodard	Yates	Yuko	Husted-96.

The Senate amendments were concurred in.

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. 363 - Representatives Wagner, Willamowski, McGregor, Reidelbach, Sayre, Collier, Brown, Webster, Seitz, Latta, Cassell, Chandler, Coley, Domenick, Evans, C., Flowers, Gibbs, Hartnett, Hughes, Redfern, Wagoner, Yuko Senators Kearney, Clancy, Goodman, Mumper

To amend section 3375.49 of the Revised Code and to amend Section 503.06 of Am. Sub. H.B. 66 of the 126th General Assembly to allow the board of trustees of a law library association to elect to assume responsibility for paying the entire compensation of the librarian and all assistant librarians of the law library despite the otherwise applicable statutory payment requirements for that compensation, to modify the payment schedule for the board of county commissioners and the board of trustees with regard to the costs of the space in the county courthouse or other building provided for the use of the law library, the utilities for that space, and furniture and fixtures for the law library, to modify the board of county commissioners' obligation to provide space in the county courthouse or any other building in the county seat for the use of the law library and utilities for that space, and to extend the deadline for the report from the Task Force on Law Library Associations to October 31, 2007.

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

Attest:

David A. Battocletti,
Clerk.

Representative Blasdel moved that House Rules be suspended and that the Senate amendments to **Sub. H. B. No. 363** - Representative Wagner, et al., be taken up for immediate consideration.

The motion was agreed to.

The Senate amendments to **Sub. H. B. No. 363**-Representative Wagner, et al., were taken up for consideration.

Sub. H. B. No. 363-Representatives Wagner, Willamowski, McGregor, Reidelbach, Sayre, Collier, Brown, Webster, Seitz, Latta, Cassell, Chandler, Coley, Domenick, Evans, C., Flowers, Gibbs, Hartnett, Hughes, Redfern, Wagoner, Yuko. -Senators Kearney, Clancy, Goodman, Mumper.

To amend section 3375.49 of the Revised Code and to amend Section 503.06 of Am. Sub. H.B. 66 of the 126th General Assembly to allow the board of trustees of a law library association to elect to assume responsibility for paying the entire compensation of the librarian and all assistant librarians of the law library despite the otherwise applicable statutory payment requirements for that compensation, to modify the payment schedule for the board of county commissioners and the board of trustees with regard to the costs of the space in the county courthouse or other building provided for the use of the law library, the utilities for that space, and furniture and fixtures for the law library, to modify the board of county commissioners' obligation to provide space in the county courthouse or any other building in the county seat for the use of the law library and utilities for that space, and to extend the deadline for the report from the Task Force on Law Library Associations to October 31, 2007.

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

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	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	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	Schneider	Seaver	Seitz
Setzer	Skindell	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Woodard	Yates	Yuko	Husted-96.

The Senate amendments were concurred in.

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

Representative Carano submitted the following report:

The standing committee on Education to which was referred **H. B. No. 422**-Representative Hughes, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SCHOOL SAFETY PLANS

Representative Setzer moved to amend the title as follows:

Add the names: "Setzer, Barrett, Williams."

ARLENE J. SETZER
STEVE REINHARD
KENNETH A. CARANO
CLYDE EVANS
KATHLEEN CHANDLER
CATHERINE L. BARRETT
JENNIFER GARRISON
JEFF WAGNER
SHAWN N. WEBSTER

JOHN SCHLICHTER
W. SCOTT OELSLAGER
JON M. PETERSON
DIXIE J. ALLEN
L. GEORGE DISTEL
CLAUDETTE J. WOODARD
BRIAN G. WILLIAMS
LINDA S. REIDELBACH

The report was agreed to.

Representative DeBose submitted the following report:

The standing committee on Economic Development and Environment to which was referred **Am. Sub. S. B. No. 265**-Senator Spada, et al., having had the same under consideration, reports it back and recommends its passage.

RE: AIR POLLUTION CONTROL REVISE LAW

Representative Collier moved to amend the title as follows:

Add the names: "Representatives Trakas, Hagan, Wolpert, Combs, Collier, Reinhard, Law, Cassell."

JIM ASLANIDES
THOM COLLIER
TIMOTHY O. SCHAFFER
SANDRA STABILE HARWOOD
TIMOTHY J. CASSELL
LARRY L. WOLPERT
JIM HUGHES
RANDY LAW

JAMES T. RAUSSEN
STEVE REINHARD
EDNA BROWN
COURTNEY COMBS
JEFF WAGNER
JAMES PETER TRAKAS
JOHN P. HAGAN

The following members voted "NO"

JIMMY STEWART
JOHN DOMENICK

LORRAINE M. FENDE
ROBERT J. OTTERMAN

FRED STRAHORN
MICHAEL DEBOSE

KATHLEEN CHANDLER

The report was agreed to.

Representative Allen submitted the following report:

The standing committee on Financial Institutions, Real Estate, and Securities to which was referred **Sub. S. B. No. 185**-Senator Padgett, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: EXPAND CONSUMER SALES PRACTICE ACT

Representative Widener moved to amend the title as follows:

Add the names: "Representatives Coley, Smith, G., Wagoner, Hagan, Schneider, Evans, C., Patton, T., White, Smith, S., Stewart, J., Stewart, D., Allen, Healy, Koziura, Boccieri, Widener."

SYLVESTER D. PATTON
JOHN J. WHITE
CHRIS WIDENER
CLYDE EVANS
WILLIAM J. HEALY
T. TODD BOOK
SHIRLEY A. SMITH
MARK D. WAGONER
DIXIE J. ALLEN
BILL COLEY

JOSEPH KOZIURA
GEOFFREY C. SMITH
MICHELLE G. SCHNEIDER
BOB GIBBS
JIMMY STEWART
JOHN P. HAGAN
DAN STEWART
JOHN A. BOCCIERI
DAVID DANIELS
THOMAS F. PATTON

The following member voted "NO"

SHAWN N. WEBSTER

The report was agreed to.

MOTIONS AND RESOLUTIONS

Representative Blasdel moved that the following resolution be brought up for immediate adoption, read in full, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

H. R. No. 175-Speaker Husted.

Relative to the election of the assistant minority whip for the 126th General Assembly of Ohio.

WHEREAS, Lance T. Mason of the 8th House District has resigned as assistant minority whip of the House of Representatives of the 126th General Assembly effective March 31, 2006, thus creating a vacancy in the position of assistant minority whip of the House of Representatives; and

WHEREAS, The members of the House of Representatives of the 126th General Assembly of Ohio have been advised that the caucus of Democrat members have chosen Fred Strahorn of House District #40 as assistant minority whip; therefore be it

RESOLVED, By the members of the House of Representatives of the 126th General Assembly that Fred Strahorn be, and upon adoption of this resolution is, hereby elected to the office of assistant minority whip, effective April 1, 2006.

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

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	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	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	Schneider	Seaver	Seitz
Setzer	Skindell	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Woodard	Yates	Yuko	Husted-96.

The resolution was adopted.

Representative Strahorn was escorted to the bar of the House by Representatives Beatty, Driehaus, Sykes, Allen, S. Patton, Setzer, and White, took the oath of office administered by The Honorable Jon A. Husted, Speaker

of the Ohio House of Representatives, and entered upon the discharge of his duties.

State of Ohio

County of Franklin

I, Fred Strahorn, do solemnly swear to support the Constitution of the United States and the Constitution of the State of Ohio, and faithfully to discharge and perform all duties incumbent upon me as a member of the minority leadership of the Ohio House of Representatives, according to the best of my ability and understanding; and this I do as I shall answer unto God.

/s/ FRED STRAHORN

Sworn to and subscribed before me this 29th day of March, 2006.

/s/ JON A. HUSTED

Jon A. Husted
Speaker
Ohio House of Representatives

Representative Blasdel moved that the following resolution be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

H. R. No. 174 - Speaker Husted, Representative Beatty.

Relative to travel allowance.

RESOLVED, That the Chief Administrative Officer of the House of Representatives is hereby authorized to pay the following named persons travel allowance for mileage as provided by section 101.27 of the Revised Code:

NAME	DISTRICT	MILEAGE ROUND TRIP
Lance T. Mason	#08	287
Tyrone K. Yates	#33	208

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

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	Blessing	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	Harwood
Healy	Hood	Hoops	Hughes
Key	Kilbane	Koziura	Latta
Law	Mason	McGregor J.	McGregor R.
Mitchell	Oeislager	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 D.	Stewart J.
Strahorn	Sykes	Trakas	Uecker
Ujvagi	Wagner	Wagoner	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Woodard	Yates
Yuko			Husted-94.

The resolution was adopted.

On motion of Representative Blasdel, the House recessed.

The House met pursuant to recess.

Representative Carmichael moved that majority party members asking leave to be absent or absent the week of Tuesday, March 28, 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 Tuesday, March 28, 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. S. B. No. 185-Senators Padgett, Schuring, Roberts, Carey, Amstutz, Armbruster, Brady, Dann, Fedor, Fingerhut, Grendell, Hagan, Harris, Jacobson, Miller, R., Prentiss, Spada, Zurz, Mumper, Clancy. -Representatives Coley, Smith, G., Wagoner, Hagan, Schneider, Evans, C., Patton, T., White, Smith, S., Stewart, J., Stewart, D., Allen, Healy, Koziura, Bocchieri, Widener.

To amend sections 109.572, 1321.57, 1322.02, 1322.03, 1322.031, 1322.04, 1322.041, 1322.051, 1322.06, 1322.061, 1322.062, 1322.07, 1322.10,

1322.11, 1322.99, 1349.25, 1349.27, 1349.31, 3953.23, 4735.05, 4763.03, 4763.05, 4763.06, 4763.12, 4763.13, and 4763.99 and to enact sections 1321.541, 1322.063, 1322.064, 1322.074, 1322.075, 1322.081, 1349.38, 1349.39, 1349.40, 1349.41, 1349.42, 1349.43, 1349.44, 1349.71, 1349.72, 3953.30, 3953.32, 3953.33, and 4763.19 of the Revised Code to establish several new consumer protections relative to certain mortgage loans; to generally prohibit the appraisal of real estate for a mortgage loan without state certification or licensure; to require that a national criminal background check be conducted on all applicants for a mortgage broker certificate of registration, loan officer license, or real estate appraiser certificate or license; to establish the consumer education finance board; to modify the Mortgage Broker/Loan Officer Law with respect to disclosure of information, fiduciary duties, prohibited acts, record keeping, pre-licensure broker education, and pre-licensure examination; to require title insurance agents to notify purchasers of the availability of owner's title insurance when issuing lender's title insurance in conjunction with a residential mortgage loan and to explain what owner's title insurance covers; to require title insurance agents to maintain errors and omissions insurance; to authorize title insurers to issue settlement protection; and to make other changes relative to mortgage lending, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Flowers moved to amend as follows:

In line 36, after "1322.99," insert "1343.011,"; delete "1349.27,"

In lines 766 and 769, strike through "or"

In line 767, after "union" insert ", or credit union service organization"

In line 770, after the stricken semicolon insert ", or creditunion service organization"

In line 772, delete "or"; after "union," insert "or creditunion service organization"

Between lines 987 and 988, insert:

"(F) The superintendent shall not grant a certificate of registration to any applicant who has received a felony or misdemeanor conviction of theft.

"(G) The registration requirements of this chapter apply to any person acting as a mortgage broker, and no person is exempt from the requirements of this chapter on the basis of prior work or employment as a mortgage broker."

In lines 1008 and 1014, delete "Twelve" and insert "Eight"

In lines 1023 and 1026, delete "Eight" and insert "Four"

In line 1570, after "knowingly" insert "instruct, influence."

In line 1655, after "chapter" insert "who has directcontact with a buyer"

In line 1778, after "directly" insert "and indirectly"

Between lines 1856 and 1857, insert:

"**Sec. 1343.011.** (A) As used in this section:

(1) "Discount points" means any charges, whether or not actually denominated as "discount points," that are paid by the seller or the buyer of residential real property to a residential mortgage lender or that are deducted and retained by a residential mortgage lender from the proceeds of the residential mortgage. "Discount points" does not include the costs associated with settlement services as defined in the "Real Estate Settlement Procedures Act of 1974," 88 Stat. 1724, 12 U.S.C. 2601, amendments thereto, reenactments thereof, enactments parallel thereto, or in substitution therefor, or regulations issued thereunder.

(2) "Residential mortgage" means an obligation to pay a sum of money evidenced by a note and secured by a lien upon real property located within this state containing two or fewer residential units or on which two or fewer residential units are to be constructed and includes such an obligation on a residential condominium or cooperative unit.

(3) "Residential mortgage lender" means any person, bank, or savings and loan association that lends money or extends or grants credit and obtains a residential mortgage to assure payment of the debt. The term also includes the holder at any time of a residential mortgage obligation.

(B) Except residential mortgage loans described in division (B)(3) of section 1343.01 of the Revised Code, no residential mortgage lender shall receive either directly or indirectly from a seller or buyer of real estate any discount points in excess of two per cent of the original principal amount of the residential mortgage. This division is not a limitation on discount points or other charges for purposes of section 501(b)(4) of the "Depository Institutions Deregulation and Monetary Control Act of 1980," 94 Stat. 161, 12 U.S.C.A. 1735f-7a.

(C) ~~Residential~~(1) Except as provided in division (C)(2) of this section, mortgage obligations ~~contracted for on or after November 4, 1975,~~ may be prepaid or refinanced without penalty at any time after five years from the execution date of the mortgage. Prior to such time a prepayment or refinancing penalty may be provided not in excess of one per cent of the original principal amount of the residential mortgage.

(2) No penalty may be charged for the prepayment or refinancing of any mortgage obligation of less than fifty thousand dollars issued by a mortgage broker, loan officer, or nonbank mortgage lender as those terms are defined in section 1349.25 of the Revised Code."

In line 1888, after "closing" insert ", including singlepremium credit"

insurance."; delete "the greater of"

In line 1889, after "or" delete the balance of the line

Delete lines 1890 through 1892

In line 1893, delete everything before the underlined period and insert "six per cent of the total loan amount, including all fees paid to the mortgage broker, loan officer, or nonbank mortgage lender, if the transaction contains a yield spread premium"

Delete lines 1980 through 2083

In line 2323, after "to" insert "nonbank"

In line 2331, after "(H)" delete the balance of the line

Delete lines 2332 and 2333

In line 2334, delete "(I)"

In lines 2351 and 2353, delete "1345.32" and insert "1349.38 or 1349.41"

In line 2411, after "(B)" delete the balance of the line

Delete lines 2412 through 2436

In line 2437, delete "(D)"; after "No" insert "mortgage broker, loan officer, or nonbank"

In line 2442, delete "(E)" and insert "(C)"; after "No" insert "mortgage broker, loan officer, or nonbank"

In line 2453, after "(A)" insert "(1)"

In lines 2454 and 2459, delete "sections 1349.25 to 1349.44" and insert "section 1349.38 or 1349.41"

Between lines 2456 and 2457, insert:

"(2) A supplier of a consumer who alleges harm due to a violation of section 1349.38 or 1349.41 of the Revised Code shall have all the rights, actions, and remedies available to suppliers under Chapter 1345. of the Revised Code."

In line 2520, after "appointed" insert "jointly"; after "governor" insert "the speaker of the house of representatives, and the president of the senate"

In line 2568, after "(D)" insert "(1) The governor shall call the first meeting of the consumer financial education board. At that meeting, and annually thereafter, the board shall elect a chairperson for a one-year term and may elect members to other positions on the board as the board considers necessary or appropriate."

(2)"

In line 2605, after "Provide" insert "an annual report and"

In line 2673, delete "department of financial institutions in the"

In line 2674, delete "department of commerce" and insert "board"

In line 2675, delete "fund" and insert "fee funds in the department of commerce"

In line 2677, after "rates" insert "as of the effective date of this section"

In line 2678, delete "required" and insert "recommended by brokers and licensees"

In line 2719, after the underlined period insert "The superintendent shall adopt rules under Chapter 119. of the Revised Code setting forth the minimum requirements for that coverage, including but not limited to the minimum amounts, terms, and conditions of the coverage."

In line 3388, after "knowingly" insert "instruct, influence,"

In line 3493, after "1322.99," insert "1343.011,"; delete "1349.27,"

In line 3496, after the period delete the balance of the line

Delete line 3497

In line 3498, delete everything before the period and insert "This act shall take effect January 1, 2007"

In line 4 of the title, after "1322.99," insert "1343.011,"; delete "1349.27,"

In line 24 of the title, delete "and"; after "examination" insert ", and registration of convicted felons"

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

03/29/06

The Honorable Jon A. Husted, Speaker
The Ohio House of Representatives
Columbus, Ohio
Speaker Husted,

Pursuant to House Rule No. 57, I respectfully request that I be excused from voting on **Sub. S. B. No. 185**-Senator Padgett, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ DERRICK SEAVER
 DERRICK SEAVER
 State Representative
 78th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 93, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Boccieri	Book
Brinkman	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	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
Schneider	Seitz	Setzer	Skindell
Smith G.	Stewart D.	Stewart J.	Strahorn
Sykes	Trakas	Uecker	Ujvagi
Wagner	Wagoner	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Woodard	Yates	Yuko
			Husted-93.

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 89, nays 5, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Boccieri	Book
Bubp	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
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seitz	Setzer
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Uecker
Ujvagi	Wagner	Wagoner	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Woodard	Yates	Yuko
			Husted-89.

Representatives Brinkman, Buehrer, Hood, Trakas, and Webster voted in the negative-5.

The bill passed.

Representative Widener moved to amend the title as follows:

Add the names: "Aslanides, Barrett, Beatty, Blessing, Book, Chandler, Collier, DeBose, DeGeeter, Distel, Dolan, Domenick, Driehaus, Evans, D., Fende, Fessler, Flowers, Garrison, Gilb, Hartnett, Harwood, Hughes, Key, Kilbane, Martin, Mason, McGregor, J., McGregor, R., Mitchell, Oelslager, Otterman, Patton, S., Perry, Peterson, Redfern, Reidelbach, Sayre, Schaffer, Schlichter, Skindell, Strahorn, Sykes, Ujvagi, Widowfield, Williams, 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 bills in which the concurrence of the House is requested:

Am. Sub. S. B. No. 260 - Senators Austria, Spada, Amstutz, Armbruster, Carey, Cates, Clancy, Coughlin, Dann, Fingerhut, Gardner, Goodman, Grendell, Hagan, Harris, Hottinger, Jacobson, Jordan, Kearney, Mumper, Niehaus, Padgett, Schuler, Schuring, Stivers, Wachtmann, Wilson, Zurz, Fedor, Miller, R., Roberts

To amend sections 109.42, 2743.191, 2907.02, 2907.07, 2921.34, 2923.02, 2929.01, 2929.13, 2929.14, 2929.19, 2930.16, 2941.148, 2950.01, 2950.09, 2950.11, 2967.12, 2967.121, 2971.03, 2971.04, 2971.05, 2971.06, 2971.07, 3109.04, 5120.49, 5120.61, 5120.66, and 5149.10 and to enact section 2941.1418 of the Revised Code to require that a person convicted of rape when the victim is less than 13 or when the person purposely compels the

victim to submit by force or threat of force be sentenced to an indefinite prison term of 25 years to life; to require that a person convicted of attempted rape be sentenced to an indefinite prison term of 15 years to life if also convicted of a specification that the completed rape would have been committed against a victim less than 13; to require that a person so sentenced serve that term under the Sexually Violent Predator Law as if a sexually violent predator and automatically is classified a sexual predator for the SORN Law; to permit the court to subject a person so sentenced to supervision with an active global positioning system device if released from a state correctional institution; to increase the penalty for importuning and establish a presumption for a prison term if the victim is under 13; to require a sheriff to notify the public children services agency of registered sex offenders in the jurisdiction; to provide for the consideration of specified convictions of members of the household of a parent in making child custody determinations and to declare an emergency.

Sub. S. B. No. 137 - Senators Goodman, Padgett, Clancy, Cates, Gardner, Jacobson, Dann, Stivers, Zurz, Kearney, Hottinger, Fedor, Spada

To amend section 2151.99 of the Revised Code to increase the penalty for a failure to make a mandatory report of abuse or neglect of a child from a misdemeanor of the fourth degree to a misdemeanor of the first degree if the child who is the subject of the report that is not made suffers or faces the threat of suffering the wound, injury, disability, or condition that would be the basis of the report when the child is under either the direct care or supervision of the offender acting in the offender's official or professional capacity or the direct care or supervision of another person over whom the offender has supervisory control.

Attest:

David A. Battocletti,
Clerk.

Said bills were considered the first time.

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:

Sub. S. B. No. 245 - Senators Cates, Clancy, Mumper, Padgett, Schuring, Dann, Fedor, Zurz, Amstutz, Coughlin, Fingerhut, Harris, Hottinger, Kearney, Miller, R., Niehaus, Schuler, Spada, Armbruster, Carey, Austria

To amend section 2907.09 and to enact section 2907.41 of the Revised Code to generally increase the penalties for public indecency when the victim is a minor and the offender has a previous public indecency conviction, to require that a person charged with a sexually oriented offense or with public indecency who has a previous conviction of a sexually oriented offense or of public indecency appear before the court before the court sets bail, and to generally require the court to consider certain factors before setting bail for that person.

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 House amendments to:

Am. Sub. S. B. No. 17 - Senator Spada- et al.

Attest:

David A. Battocletti,
Clerk.

On motion of Representative Blasdel, the House adjourned until Thursday, March 30, 2006 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.