

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

WEDNESDAY, APRIL 27, 2005

## FORTY-THIRD DAY

Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, April 27, 2005 at 1:30 o'clock p.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Ron Shipley of the First Baptist Church in Wauseon, 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:

Judd McClarren, guest of Representative Latta-6th district.

Michael Glavan, Emma Vichill, Briana Euker, and Students from St. Mary's School, guests of Representative T. Patton-18th district.

Members of the Delta Sigma Theta Sorority, Marcia Dukes, and Dr. Dafina Lazarus Stewart, guests of Representative Beatty-27th district.

Mary and Allison White, daughters, Representative White-38th district.

Mayor Greg Sample, a guest of Representative Raga-67th district.

Members of the Richland County Library, guests of Representative Hartnett-73rd district.

Students from Liberty Center Elementary School, guests of Representative Hoops-75th district.

Madelyn Smith and students from Perkins High School, guests of Representative Redfern-80th district.

**INTRODUCTION OF BILLS**

The following bill was introduced:

**H. B. No. 225**-Representatives Coley, Webster, Combs.

To amend section 2301.02 of the Revised Code to add one additional judge for the general division of the Butler County Court of Common Pleas to be elected in 2006.

Said bill was considered the first time.

**CONSIDERATION OF SENATE AMENDMENTS**

The Senate amendments to **Sub. H. B. No. 25**-Representative Wagner, et al., were taken up for consideration.

**Sub. H. B. No. 25**-Representatives Wagner, J. Stewart, Hartnett, Carano, Otterman, Latta, Widener, Aslanides, S. Patton, Buehrer, Wolpert, Combs, Kearns, Webster, McGregor, Reidelbach, Law, Core, Schaffer, Faber, Chandler, Cassell, Hagan, Wagoner, Martin, Gilb, Allen, Barrett, Blessing, Book, Carmichael, Coley, Collier, Daniels, DeBose, Dolan, Domenick, C. Evans, Fessler, Flowers, Gibbs, Harwood, Hughes, Key, Mason, Miller, Perry, Schneider, Seaver, Seitz, D. Stewart, Strahorn, Taylor, Walcher, Willamowski, Williams, Yates, Yuko.

To amend sections 145.06, 742.05, 2743.02, 3307.06, 3309.06, and 5505.042 of the Revised Code and to amend Section 5 of Sub. S.B. 133 of the 125th General Assembly to allow a state officer or employee who in a civil action is alleged to lack immunity from personal liability to participate in proceedings to determine whether the officer or employee is entitled to personal immunity, and to revise the law governing the filling of a vacancy on a state retirement system board.

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

The yeas and nays were taken and resulted - yeas 98, 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	Kearns	Key	Kilbane
Koziura	Latta	Law	Martin
Mason	McGregor	Miller	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	Taylor	Trakas	Uecker
Wagner	Wagoner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Woodard	Yates
Yuko			Husted-98.

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 **Am. S. B. No. 6**-Senator Padgett, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: PARTNERSHIP FOR CONTINUED LEARNING

Representative Setzer moved to amend the title as follows:

Add the names: "Representative Setzer."

Representative Setzer moved to amend as follows:

In line 96, after "measures" insert ":

(L) Strategies for developing and improving opportunities and for removing barriers to achievement for children identified as gifted under Chapter 3324. of the Revised Code"

The motion was agreed to and the bill so amended.

ARLENE J. SETZER  
JOHN SCHLICHTER  
CLYDE EVANS  
JAMES M. HOOPS  
SHAWN N. WEBSTER  
DIXIE J. ALLEN  
CATHERINE L. BARRETT  
JENNIFER GARRISON  
JEFF WAGNER

STEVE REINHARD  
W. SCOTT OELSLAGER  
JON M. PETERSON  
KENNETH A. CARANO  
KATHLEEN CHANDLER  
L. GEORGE DISTEL  
CLAUDETTE J. WOODARD  
BRIAN G. WILLIAMS

The following members voted "NO"

DIANA M. FESSLER  
RONALD HOOD

LINDA S. REIDELBACH

The report was agreed to.

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

Representative Carano submitted the following report:

The standing committee on Education to which was referred **S. B. No. 71**-Senator Wilson, et al., having had the same under consideration, reports it back and recommends its passage.

RE: FLOODED SCHOOLS CALAMITY DAYS MAKE UP

Representative Setzer moved to amend the title as follows:

Add the names: "Representatives Setzer, Carano, Chandler, Hood."

JEFF WAGNER	ARLENE J. SETZER
DIANA M. FESSLER	STEVE REINHARD
JOHN SCHLICHTER	W. SCOTT OELSLAGER
JON M. PETERSON	JAMES M. HOOPS
KENNETH A. CARANO	SHAWN N. WEBSTER
L. GEORGE DISTEL	DIXIE J. ALLEN
KATHLEEN CHANDLER	CATHERINE L. BARRETT
CLAUDETTE J. WOODARD	JENNIFER GARRISON
BRIAN G. WILLIAMS	RONALD HOOD
LINDA S. REIDELBACH	

The following member voted "NO"

CLYDE EVANS

The report was agreed to.

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

Representative Carano submitted the following report:

The standing committee on Education to which was referred **H. B. No. 107**-Representative Setzer, et al., having had the same under consideration, reports it back and recommends its passage.

RE: TEACHER PREPARATION CURRICULA STANDARDS

Representative Setzer moved to amend the title as follows:

Add the names: "Distel, C. Evans, Chandler."

ARLENE J. SETZER	JEFF WAGNER
STEVE REINHARD	JOHN SCHLICHTER
W. SCOTT OELSLAGER	CLYDE EVANS
JON M. PETERSON	JAMES M. HOOPS
KENNETH A. CARANO	SHAWN N. WEBSTER
KATHLEEN CHANDLER	DIXIE J. ALLEN
L. GEORGE DISTEL	CATHERINE L. BARRETT
CLAUDETTE J. WOODARD	JENNIFER GARRISON
BRIAN G. WILLIAMS	LINDA S. REIDELBACH

The following members voted "NO"

DIANA M. FESSLER	RONALD HOOD
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The report was agreed to.

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

Representative Distel submitted the following report:

The standing committee on Agriculture and Natural Resources to which was referred **Sub. S. B. No. 99**-Senator Mumper, et al., having had the same under consideration, reports it back and recommends its passage.

RE: CLARIFY AUCTIONEERS LAW - INTERNET AUCTIONS

Representative Aslanides moved to amend the title as follows:

Add the names: "Representatives Aslanides, Gibbs."

JEFF WAGNER  
BOB GIBBS  
JIM ASLANIDES  
ARLENE J. SETZER  
CLYDE EVANS  
MATTHEW J. DOLAN  
ALLAN R. SAYRE  
JENNIFER GARRISON  
MIKE MITCHELL

JOHN DOMENICK  
JOHN SCHLICHTER  
L. GEORGE DISTEL  
STEVE REINHARD  
ANTHONY CORE  
KATHY L. WALCHER  
TIMOTHY J. CASSELL  
JIM MCGREGOR

The report was agreed to.

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

Representative DeGeeter submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 162**-Representative Peterson, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: COMMUNITY BASED CORRECTIONAL FACILITIES REVISE  
LAW

Representative Latta moved to amend the title as follows:

Add the names: "Latta, D. Evans, Hughes, Seitz, Yuko."

WILLIAM J. HEALY  
JEANINE PERRY  
MIKE GILB  
WILLIAM J. SEITZ  
TYRONE K. YATES  
RONALD HOOD  
SALLY CONWAY KILBANE  
STEPHEN BUEHRER  
DANNY R. BUBP

ROBERT E. LATTA  
DAVID R. EVANS  
JIM HUGHES  
TIMOTHY J. DEGEETER  
DAN STEWART  
ANNIE L. KEY  
KENNY YUKO  
JOHN R. WILLAMOWSKI

The report was agreed to.

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

**MOTIONS AND RESOLUTIONS**

Representative DeWine moved that majority party members asking leave to be absent or absent the week of Tuesday, April 26, 2005, 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, April 26, 2005, 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**

**Am. 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.

To amend sections 303.02, 503.29, 519.02, 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, 3768.01, 3768.02, 3768.03, 3768.04, 3768.05, 3768.06, and 3768.99, 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 generally regulate adult entertainment establishments; to permit townships to regulate the location and operation of those establishments; 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 offense of permitting unlawful operation of viewing booths depicting sexual conduct, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Reidelbach moved to amend as follows:

In line 808, after the first "or" insert "section"

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 92, nays 5, 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	Kearns	Key	Kilbane
Latta	Law	Martin	Mason
McGregor	Miller	Oelslager	Otterman
Patton S.	Patton T.	Perry	Peterson
Raga	Rausen	Redfern	Reidelbach
Reinhard	Sayre	Schaffer	Schlichter
Schneider	Seaver	Seitz	Setzer
Skindell	Smith G.	Stewart J.	Strahorn
Sykes	Taylor	Uecker	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Woodard	Yates	Husted-92.

Representatives Koziura, Smith S., Stewart D., Trakas, and Yuko voted in the negative-5.

The bill passed.

Representative Reidelbach moved to amend the title as follows:

Add the names: "Buehrer, Distel, C. Evans, Hagan, Hoops, Law, Miller, Perry, Schneider, Seaver, Setzer, Strahorn, Williams."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 29**-Representatives Rausen, D. Evans, Distel, Aslanides, Allen, Raga, Driehaus, Trakas, Barrett, Daniels, Carano, McGregor, Reidelbach, Willamowski, Hartnett, Martin, Brinkman, Kearns, C. Evans, Blessing, Schaffer, Harwood, Miller.

To amend section 2919.251 of the Revised Code to require a court to consider certain factors before setting bail for a person if the person is charged with an offense of violence involving a victim who is a family or household member and the court is aware of certain information accompanying the complaint and to generally require the person to appear before the court before the court sets bail for that person, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 98, 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	Kearns	Key	Kilbane
Koziura	Latta	Law	Martin
Mason	McGregor	Miller	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	Taylor	Trakas	Uecker
Wagner	Wagoner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Woodard	Yates
Yuko			Husted-98.

The bill passed.

Representative Rausen moved to amend the title as follows:

Add the names: "Beatty, Blasdel, Boccieri, Brown, Bubp, Buehrer, Calvert, Carmichael, Cassell, Chandler, Coley, Collier, DeBose, DeWine, Domenick, Faber, Fende, Fessler, Flowers, Garrison, Gibbs, Gilb, Hagan, Healy, Hoops, Hughes, Key, Kilbane, Latta, Law, Mason, Mitchell, Oelslager, Otterman, S. Patton, T. Patton, Perry, Redfern, Sayre, Schlichter, Schneider, Seaver, Seitz, Setzer, G. Smith, D. Stewart, J. Stewart, Sykes, Taylor, Uecker, Wagoner, Walcher, Webster, White, Widowfield, Wolpert, Woodard, Yates, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 18**-Senators Wachtmann, Austria, Spada, Dann.  
-Representatives Reidelbach, Seaver, White.

To amend section 4729.01 of the Revised Code regarding the compounding of drugs by pharmacists, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 97, 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
Fessler	Flowers	Garrison	Gibbs
Gilb	Hagan	Hartnett	Harwood
Healy	Hood	Hoops	Hughes
Kearns	Key	Kilbane	Koziura
Latta	Law	Martin	Mason
McGregor	Miller	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
Taylor	Trakas	Uecker	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Woodard	Yates	Yuko
			Husted-97.

Representative Fende voted in the negative-1.

The bill passed.

Representative White moved to amend the title as follows:

Add the names: "Barrett, Buehrer, Collier, Combs, C. Evans, Flowers, Gibbs, Hughes, Miller, Schneider, Seitz, Setzer, G. Smith, J. Stewart, Trakas, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 99**-Senators Mumper, Armbruster, Cates, Niehaus, Schuler, Wilson. -Representatives Aslanides, Gibbs.

To amend sections 4707.01 and 4707.02 of the Revised Code to exclude persons who sell real or personal property by means of the Internet from having to obtain a license under the Auctioneers Law, to revise the definition of "auction mediation company," and to declare an emergency, was taken up for consideration the third time.

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

The yeas and nays were taken and resulted - yeas 85, nays 12, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
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Blasdel	Blessing	Book	Brown
Bubp	Calvert	Carano	Carmichael
Cassell	Chandler	Coley	Collier
Combs	Core	DeGeeter	DeWine
Distel	Dolan	Domenick	Evans C.
Evans D.	Faber	Fende	Fessler
Flowers	Garrison	Gibbs	Gilb
Hagan	Hartnett	Harwood	Hood
Hoops	Hughes	Kearns	Key
Kilbane	Koziura	Latta	Law
Martin	McGregor	Miller	Mitchell
Oelslager	Otterman	Patton S.	Perry
Peterson	Raga	Raussen	Redfern
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Smith G.	Stewart D.	Stewart J.
Strahorn	Sykes	Taylor	Uecker
Wagner	Wagoner	Walcher	Webster
White	Widowfield	Willamowski	Williams
Wolpert	Woodard	Yates	Yuko
			Husted-85.

Those who voted in the negative were: Representatives

Boccieri	Brinkman	Buehrer	Daniels
DeBose	Driehaus	Healy	Mason
Skindell	Smith S.	Trakas	Widener-12.

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

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

The yeas and nays were taken and resulted - yeas 97, 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	Kearns	Key	Kilbane
Koziura	Latta	Law	Martin
Mason	McGregor	Miller	Mitchell
Oelslager	Otterman	Patton S.	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
Taylor	Trakas	Uecker	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Woodard	Yates	Yuko
			Husted-97.

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

Representative Aslanides moved to amend the title as follows:

Add the names: "Representatives Brinkman, Calvert, Carano, Collier, Flowers, Hughes, Law, McGregor, Miller, Reidelbach, Schneider, Setzer, J. Stewart, Taylor, Uecker, Walcher, Willamowski."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Blasdel, the House adjourned until Thursday, April 28, 2005 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.