

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, NOVEMBER 16, 2005

ONE HUNDRED TENTH DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, November 16, 2005 at 1:30 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Reverend Richard Burnett of the Trinity Episcopal Church in Columbus, 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:

Greg Sherlock and Justin Truitt, guests of Representative Blasdel-1st district.

Chrissy Zindrowski, a guest of Representative T. Patton-18th district.

Bill Lhota, John Waddy, members of The Link Inc., NAACP, and Urban League, guests of Representative Beatty-27th district.

Richard and Donna Mahoney, Chester and Barb Brumbaugh, Robert and Judy Kerrick, guests of Representative Hagan-50th district.

Ben Cowgill, Brian Boykin, guests of Representative Chandler-68th district.

INTRODUCTION OF BILLS

The following bill was introduced:

H. B. No. 427-Representatives Schneider, Hagan, Key, McGregor, J., Chandler, Combs, Harwood, Hoops, Brown, Evans, D., Wolpert, Barrett, Trakas, Allen, Hartnett, Healy.

To enact sections 4768.01 to 4768.14 and 4768.99 of the Revised Code to create the State Board of Home Inspectors, to require the licensure of home inspectors, and to regulate the licensure and performance of home inspectors.

Said bill was considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 11**-Representative Schlichter, et al., were taken up for consideration.

Sub. H. B. No. 11-Representatives Schlichter, J. Stewart, Latta, Hartnett, C. Evans, S. Patton, Buehrer, Wolpert, Oelslager, Willamowski, Carano, Kearns, Setzer, Reidelbach, Combs, Hughes, Flowers, DeWine, Chandler, Brown, McGregor, Harwood, T. Patton, Calvert, Walcher, Taylor, Raga, Fessler, Seaver, Webster, Peterson, Wagner, Hood, Williams, Garrison, Barrett, Distel, Allen, Aslanides, Beatty, Blessing, Book, Bulp, Carmichael, Cassell, Coley,

Collier, Core, Daniels, DeGeeter, Dolan, Domenick, Driehaus, D. Evans, Faber, Fende, Gibbs, Gilb, Hagan, Healy, Hoops, Key, Koziura, Law, Martin, Mason, Miller, Mitchell, Otterman, Perry, Redfern, Reinhard, Sayre, Schaffer, Skindell, G. Smith, D. Stewart, Strahorn, Sykes, Trakas, Uecker, Ujvagi, Wagoner, White, Widener, Widowfield. -Senators Fedor, Carey, Cates, Gardner, Jacobson, Padgett, Mumper, Fingerhut, Austria, Clancy, Hagan, Roberts, Schuring, Spada, Dann, Jordan, Armbruster, Zurz, Harris, Wachtmann.

To amend sections 3313.616 and 5735.142 of the Revised Code to grant high school diplomas to certain veterans of the Vietnam Conflict; to permit school districts, educational service centers, and county MR/DD boards in fiscal year 2006 to apply to use funds appropriated for school bus purchases to pay the cost of purchasing fuel for buses; and to reimburse county MR/DD boards for certain motor fuel taxes.

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

The yeas and nays were taken and resulted - yeas 92, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Bocchieri	Brown
Bubp	Buehrer	Calvert	Carano
Carmichael	Cassell	Chandler	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Domenick	Driehaus	Evans C.	Faber
Fende	Fessler	Flowers	Garrison
Gibbs	Gilb	Hagan	Hartnett
Harwood	Healy	Hood	Hoops
Hughes	Key	Kilbane	Koziura
Latta	Law	Martin	Mason
McGregor J.	McGregor R.	Miller	Mitchell
Oelslager	Otterman	Patton S.	Patton T.
Perry	Peterson	Raga	Raussen
Redfern	Reidelbach	Reinhard	Sayre
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Smith G.	Smith S.
Stewart D.	Stewart J.	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Yates	Yuko	Husted-92.

Representative Brinkman voted in the negative-1.

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 79**-Representative Raga, et al., were taken up for consideration.

Sub. H. B. No. 79-Representatives Raga, Latta, Setzer, C. Evans, Hagan,

DeWine, McGregor, Willamowski, Gilb, Flowers, Seaver, Reidelbach, Schlichter, Reinhard, Blasdel, Boccieri, Brown, Bubp, Calvert, Carmichael, Cassell, Coley, Collier, Combs, Core, Daniels, Dolan, Domenick, D. Evans, Faber, Gibbs, Harwood, Healy, Hughes, Koziura, Law, Martin, Otterman, T. Patton, Schaffer, Schneider, G. Smith, J. Stewart, Strahorn, Trakas, Ujvagi, Wagoner, Webster, Widener, Williams, Wolpert, Yates, Yuko. -Senators Padgett, Fedor, Miller, Austria, Jacobson, Wilson, Zurz, Niehaus, Gardner, Cates.

To amend sections 3301.0714, 3302.021, 3314.03, 3317.01, 3317.02, 3317.03, 3319.291, 3319.311, 3323.091, 3323.20, and 5153.175; to enact sections 3310.11, 3310.12, 3319.313, 3319.314, 3319.315, 5126.253, 5126.254, 5126.255, and 5153.176 of the Revised Code; and to amend Section 612.36.03 of Am. Sub. H.B. 66 of the 126th General Assembly to require that information about specified professional misconduct or child abuse or neglect committed by a person licensed by the State Board of Education be submitted to the Superintendent of Public Instruction, to require the State Board to request a criminal records check prior to renewing an educator license, to require the State Board to request a criminal records check every five years for a person teaching under a professional or permanent teaching certificate issued under former law, to clarify the information provided by a public children services agency to the Department of Job and Family Services about a person applying for licensure or certification to operate a family day-care home, to delay until fiscal year 2007 the requirement that school districts report ADM twice annually, to require the Department of Education to propose penalties for intentional reporting of inaccurate attendance data by school districts and community schools, to clarify reporting requirements regarding handicapped preschool children, to require contracting entities to complete value-added analyses of student data by timelines established by the Superintendent of Public Instruction, and to make changes regarding the use of student data verification codes.

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

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

Those who voted in the negative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Boccieri	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Domenick	Driehaus	Evans C.
Faber	Fende	Fessler	Flowers
Garrison	Gibbs	Gilb	Hagan
Hartnett	Harwood	Healy	Hood

Hoops	Hughes	Key	Kilbane
Koziura	Latta	Law	Martin
Mason	McGregor J.	McGregor R.	Miller
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Rausen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Smith G.
Smith S.	Stewart D.	Stewart J.	Sykes
Taylor	Trakas	Uecker	Ujvagi
Wagner	Wagoner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Yates	Yuko
			Husted-93.

The Senate amendments were not concurred in.

The Senate amendments to **Am. H. B. No. 100**-Representative Taylor, et al., were taken up for consideration.

Am. H. B. No. 100-Representatives Taylor, Carano, Collier, C. Evans, McGregor, Otterman, Reidelbach, Seitz, White, Willamowski, J. Stewart, Cassell, Domenick, Aslanides, Daniels, Flowers, Hood, Hughes, Kearns. -Senators Spada, Mumper, Grendell, Niehaus, Cates, Coughlin, Schuring.

To enact section 3734.576 of the Revised Code and to amend Section 513.03 of Am. Sub. H.B. 66 of the 126th General Assembly to authorize a solid waste management district to exempt automotive shredder residue from the district's generation fee, to extend the moratorium on the issuance of licenses for new construction and demolition debris facilities, and to create an exemption to the moratorium under certain circumstances.

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

The yeas and nays were taken and resulted - yeas 85, nays 8, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Brinkman	Brown
Bubp	Buehrer	Calvert	Carano
Carmichael	Cassell	Chandler	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Driehaus	Evans C.	Faber	Fende
Fessler	Flowers	Garrison	Gibbs
Gilb	Hagan	Hartnett	Healy
Hood	Hoops	Hughes	Key
Kilbane	Koziura	Latta	Martin
Mason	McGregor J.	McGregor R.	Miller
Oelslager	Otterman	Patton S.	Patton T.
Perry	Peterson	Raga	Rausen
Redfern	Reidelbach	Reinhard	Sayre
Schaffer	Schlichter	Schneider	Seaver

Seitz	Setzer	Smith G.	Stewart D.
Stewart J.	Taylor	Trakas	Uecker
Ujvagi	Wagner	Wagoner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Williams	Wolpert	Yuko
			Husted-85.

Representatives Boccieri, Domenick, Harwood, Law, Mitchell, Smith S., Sykes, and Yates voted in the negative-8.

The Senate amendments were concurred in.

The Senate amendments to **Am. H. B. No. 226**-Representative Hoops, et al., were taken up for consideration.

Am. H. B. No. 226-Representatives Hoops, C. Evans, Flowers, Kearns, Martin, McGregor, Seitz, Setzer, Wagoner, Brown, Hartnett, Koziura, Willamowski, Barrett, Coley, Combs, Daniels, Domenick, Harwood, Otterman. -Senators Schuler, Carey, Cates.

To amend section 1901.26 of the Revised Code to authorize the legislative authority of a municipal corporation to establish a schedule of fees to be taxed as costs in a civil, criminal, or traffic proceeding in a municipal court for services performed by officers or employees of the municipal corporation's police department or marshal's office and to revise the law regarding the Workers' Compensation Oversight Commission's reporting requirements concerning investments.

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

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	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Domenick	Driehaus	Evans C.
Faber	Fende	Fessler	Flowers
Garrison	Gibbs	Gilb	Hagan
Hartnett	Harwood	Healy	Hood
Hoops	Hughes	Key	Kilbane
Koziura	Latta	Law	Martin
Mason	McGregor J.	McGregor R.	Miller
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Rausen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Smith G.
Smith S.	Stewart D.	Stewart J.	Sykes
Taylor	Trakas	Uecker	Ujvagi

Wagner	Wagoner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Yates	Yuko
			Husted-93.

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 246**-Representative Oelslager, et al., were taken up for consideration.

Sub. H. B. No. 246-Representatives Oelslager, Willamowski, Aslanides, Barrett, Beatty, Book, Buehrer, Carano, Coley, Collier, Combs, Daniels, DeGeeter, Domenick, C. Evans, Gilb, Hagan, Harwood, Healy, Hughes, Latta, McGregor, Otterman, T. Patton, Reidelbach, Sayre, Schaffer, Schlichter, Seaver, Setzer, Skindell, G. Smith, J. Stewart, Williams. -Senators Zurz, Carey, Grendell, Niehaus.

To amend section 2106.18 and to enact sections 1337.18, 1337.19, and 1337.20 of the Revised Code to permit a surviving spouse to take a motorcycle as one of the two automobiles the surviving spouse may receive outside of probate, to create a statutory form for the creation of a power of attorney, to set forth the general powers of an attorney in fact under a power of attorney, and to provide for the construction of the powers of an attorney in fact under a power of attorney created by use of the statutory form.

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

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	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Domenick	Driehaus	Evans C.
Faber	Fende	Fessler	Flowers
Garrison	Gibbs	Gilb	Hagan
Hartnett	Harwood	Healy	Hood
Hoops	Hughes	Key	Kilbane
Koziura	Latta	Law	Martin
Mason	McGregor J.	McGregor R.	Miller
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Raussen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Smith G.
Smith S.	Stewart D.	Stewart J.	Sykes
Taylor	Trakas	Uecker	Ujvagi

Wagner	Wagoner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Yates	Yuko
			Husted-93.

The Senate amendments were concurred in.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Distel submitted the following report:

The standing committee on Agriculture and Natural Resources to which was referred **H. B. No. 296**-Representative Buehrer, et al., having had the same under consideration, reports it back and recommends its passage.

RE: APPRENTICE HUNTING LICENSES

Representative Aslanides moved to amend the title as follows:

Add the names: "Yates, Mitchell, Garrison."

JIM MCGREGOR	ANTHONY CORE
TYRONE K. YATES	JOHN DOMENICK
MIKE MITCHELL	CLYDE EVANS
L. GEORGE DISTEL	JEFF WAGNER
KATHY L. WALCHER	STEVE REINHARD
ALLAN R. SAYRE	JIM ASLANIDES
TIMOTHY J. CASSELL	ARLENE J. SETZER
JENNIFER GARRISON	JOHN SCHLICHTER
BOB GIBBS	

The report was agreed to.

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

Representative Harwood submitted the following report:

The standing committee on Judiciary to which was referred **H. B. No. 363**-Representative Wagner, et al., having had the same under consideration, reports it back and recommends its passage.

RE: LAW LIBRARIES - LIBRARIAN COMPENSATION

JOHN R. WILLAMOWSKI	LOUIS W. BLESSING
DANNY R. BUBP	DALE MILLER
TIMOTHY J. DEGEETER	SANDRA STABILE HARWOOD
TIMOTHY O. SCHAFFER	BILL COLEY
RANDY LAW	

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

Representative Blasdel moved that House Rules be suspended and that the following House Resolution be read by title only and brought up for immediate adoption:

H.R. No. 120 - Representative Beatty
TO DESIGNATE DECEMBER 1, 2005, AS "ROSA PARKS DAY."

The motion was agreed to without objection.

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

Representative Beatty moved to amend the title as follows:

Add the names: "Allen, Aslanides, Barrett, Blasdel, Boccieri, Brown, Buehrer, Calvert, Carano, Carmichael, Cassell, Chandler, Coley, Collier, Core, Daniels, DeBose, DeGeeter, DeWine, Distel, Domenick, Driehaus, Evans, C., Faber, Fende, Fessler, Flowers, Garrison, Gibbs, Gilb, Hagan, Hartnett, Harwood, Healy, Hood, Hoops, Hughes, Key, Kilbane, Koziura, Latta, Law, Martin, Mason, McGregor, J., McGregor, R., Miller, Mitchell, Oelslager, Otterman, Patton, S., Patton, T., Perry, Raga, Raussen, Reidelbach, Reinhard, Sayre, Schaffer, Schlichter, Schneider, Seaver, Seitz, Setzer, Smith, S., Stewart, D., Stewart, J., Sykes, Taylor, Trakas, Uecker, Ujvagi, Wagoner, Walcher, Webster, White, Widener, Widowfield, Williams, Wolpert, Yates, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

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

The yeas and nays were taken and resulted - yeas 92, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Boccieri	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Domenick	Driehaus	Evans C.
Faber	Fende	Fessler	Flowers
Garrison	Gibbs	Gilb	Hagan
Hartnett	Harwood	Healy	Hood
Hoops	Hughes	Key	Kilbane
Koziura	Latta	Law	Martin
Mason	McGregor J.	McGregor R.	Miller
Mitchell	Oelslager	Otterman	Patton S.

Patton T.	Perry	Peterson	Raga
Raussen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Smith S.
Stewart D.	Stewart J.	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Yates	Yuko	Husted-92.

The resolution was adopted.

Representative Carmichael moved that majority party members asking leave to be absent or absent the week of Tuesday, November 15, 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, November 15, 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. 82-Representative Hughes.

To amend sections 4777.01, 4777.02, 4777.03, and 4777.04 of the Revised Code to change the professional title "Industrial Hygienist in Training" to "Certified Associate Industrial Hygienist" with respect to the practice of industrial hygiene, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 92, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Boccieri	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Domenick	Driehaus	Evans C.
Faber	Fende	Fessler	Flowers
Garrison	Gibbs	Gilb	Hagan
Hartnett	Harwood	Healy	Hood
Hoops	Hughes	Key	Kilbane
Koziura	Latta	Law	Martin

Mason	McGregor J.	McGregor R.	Miller
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Rausen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Smith S.
Stewart D.	Stewart J.	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Yates	Yuko	Husted-92.

The bill passed.

Representative Hughes moved to amend the title as follows:

Add the names: "Allen, Barrett, Boccieri, Brown, Chandler, DeBose, Domenick, Evans, C., Fende, Flowers, McGregor, J., Patton, S., Patton, T., Perry, Reidelbach, Schaffer, Schneider, Seitz, Stewart, D., Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 336-Representatives Core, Willamowski, Harwood, Bubp, Coley, Schaffer.

To amend section 1901.08 of the Revised Code to change the status of the judge of the Marysville Municipal Court from part-time to full-time, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 91, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Boccieri	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Domenick	Driehaus	Evans C.	Faber
Fende	Fessler	Flowers	Garrison
Gibbs	Gilb	Hagan	Hartnett
Harwood	Healy	Hood	Hoops
Hughes	Key	Kilbane	Koziura
Latta	Law	Martin	Mason
McGregor J.	McGregor R.	Miller	Mitchell
Oelslager	Otterman	Patton S.	Patton T.
Perry	Peterson	Raga	Rausen
Redfern	Reidelbach	Reinhard	Sayre
Schaffer	Schlichter	Schneider	Seaver

Seitz	Setzer	Smith S.	Stewart D.
Stewart J.	Sykes	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Yates	Yuko		Husted-91.

The bill passed.

Representative Core moved to amend the title as follows:

Add the names: "Barrett, Boccieri, Combs, Daniels, DeBose, DeGeeter, Domenick, Evans, C., Fessler, Flowers, Hughes, Latta, Oelslager, Patton, T., Seaver, Seitz, Stewart, J., Wagoner, Wolpert."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 352-Representatives Redfern, Fende, Key, Patton, S., Perry.

To amend sections 4511.21 and 4511.251 of the Revised Code to establish a 35-mile per hour speed limit for highways outside municipal corporations within island jurisdictions, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 92, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Boccieri	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Domenick	Driehaus	Evans C.
Faber	Fende	Fessler	Flowers
Garrison	Gibbs	Gilb	Hagan
Hartnett	Harwood	Healy	Hood
Hoops	Hughes	Key	Kilbane
Koziura	Latta	Law	Martin
Mason	McGregor J.	McGregor R.	Miller
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Raussen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Smith S.
Stewart D.	Stewart J.	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Yates	Yuko	Husted-92.

The bill passed.

Representative Redfern moved to amend the title as follows:

Add the names: "Barrett, Beatty, Boccieri, Brown, DeBose, DeGeeter, Distel, Domenick, Driehaus, Evans, C., Faber, Hoops, Hughes, Latta, Mason, McGregor, J., McGregor, R., Miller, Oelslager, Otterman, Patton, T., Sayre, Schaffer, Stewart, D., Stewart, J., Uecker, Ujvagi, Wagoner, Williams, Yates, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

S. B. No. 55-Senators Spada, Harris, Prentiss, Amstutz, Armbruster, Austria, Brady, Cates, Clancy, Carey, Coughlin, Dann, Fedor, Fingerhut, Gardner, Goodman, Grendell, Hottinger, Jacobson, Jordan, Mallory, Mumper, Niehaus, Padgett, Roberts, Schuler, Schuring, Wachtmann, Wilson, Zurz.

To enact section 4503.761 of the Revised Code to create "One Nation Under God" license plates, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 87, nays 5, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Boccieri	Brinkman
Brown	Bubp	Buehrer	Carano
Carmichael	Cassell	Coley	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Domenick
Driehaus	Evans C.	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
Rausen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Smith S.
Stewart D.	Stewart J.	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Yates	Yuko		Husted-87.

Representatives Calvert, Chandler, Healy, Miller, and Sykes voted in the negative-5.

The bill passed.

Representative Patton, T. moved to amend the title as follows:

Add the names: "Representatives Allen, Aslanides, Blasdel, Blessing, Brown, Bubb, Buehrer, Carano, Cassell, Collier, Combs, Daniels, DeBose, DeGeeter, DeWine, Distel, Domenick, Evans, C., Faber, Fende, Fessler, Flowers, Garrison, Gibbs, Gilb, Hagan, Hartnett, Hood, Hoops, Hughes, Key, Kilbane, Latta, Law, Martin, McGregor, J., McGregor, R., Oelslager, Otterman, Perry, Peterson, Raga, Raussen, Redfern, Reidelbach, Schaffer, Schlichter, Schneider, Seitz, Setzer, Taylor, Trakas, Uecker, Wagner, Wagoner, Walcher, White, Widener, Widowfield, Willamowski, Williams, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 87-Senators Wachtmann, Hagan, Gardner, Mumper, Clancy, Amstutz, Austria, Carey, Niehaus, Padgett, Schuring, Jordan, Harris, Zurz, Schuler, Armbruster, Brady, Cates, Coughlin, Dann, Fedor, Fingerhut, Goodman, Grendell, Hottinger, Jacobson, Mallory, Miller, Prentiss, Roberts, Spada, Wilson. -Representatives Raussen, Barrett, Beatty, Brown, Martin, Smith, G., Combs, Smith, S., Schneider, Mason.

To amend sections 3721.011, 3721.04, 5111.971, 5126.15, and 5126.20 and to enact section 5126.201 of the Revised Code and to amend Section 206.66.53 of Am. Sub. H.B. 66 of the 126th General Assembly regarding the provision of hospice care in residential care facilities and the addition of four legislators as non-voting members of the Medicaid Administrative Study Council, regarding the Medicaid voucher pilot program, to establish minimum requirements to be a conditional status service and support administrator, and to make a change regarding who can supervise conditional status service and support administrators, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Flowers moved to amend as follows:

In line 14, after "3721.04," insert "4766.09, 4766.14,"

Delete lines 17 through 129 and insert:

"**Sec. 3721.011.** (A) In addition to providing accommodations, supervision, and personal care services to its residents, a residential care facility may provide skilled nursing care to its residents as follows:

- (1) Supervision of special diets;
- (2) Application of dressings, in accordance with rules adopted under section 3721.04 of the Revised Code;
- (3) ~~Providing for the~~ Subject to division (B)(1) of this section, administration of medication ~~to residents, to the extent authorized under division~~

~~(B)(1) of this section;~~

(4) ~~Other~~ Subject to division (C) of this section, other skilled nursing care provided on a part-time, intermittent basis ~~pursuant to division (C) of this section~~ for not more than a total of one hundred twenty days in a twelve-month period;

(5) Subject to division (D) of this section, skilled nursing care provided for more than one hundred twenty days in a twelve-month period to a hospice patient, as defined in section 3712.01 of the Revised Code.

A residential care facility may not admit or retain an individual requiring skilled nursing care that is not authorized by this section. A residential care facility may not provide skilled nursing care beyond the limits established by this section.

(B)(1) A residential care facility may admit or retain an individual requiring medication, including biologicals, only if the individual's personal physician has determined in writing that the individual is capable of self-administering the medication or the facility provides for the medication to be administered to the individual by a home health agency certified under Title XVIII of the "Social Security Act," 4979 Stat. 620 (~~49351965~~), 42 U.S.C.A. ~~3041395~~, as amended; a hospice care program licensed under Chapter 3712. of the Revised Code; or a member of the staff of the residential care facility who is qualified to perform medication administration. Medication may be administered in a residential care facility only by the following persons authorized by law to administer medication:

(a) A registered nurse licensed under Chapter 4723. of the Revised Code;

(b) A licensed practical nurse licensed under Chapter 4723. of the Revised Code who holds proof of successful completion of a course in medication administration approved by the board of nursing and who administers the medication only at the direction of a registered nurse or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(c) A medication aide certified under Chapter 4723. of the Revised Code;

(d) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(2) In assisting a resident with self-administration of medication, any member of the staff of a residential care facility may do the following:

(a) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container;

(b) Assist a resident by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to section 3721.04 of the Revised Code, and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident.

(c) Assist a physically impaired but mentally alert resident, such as a resident with arthritis, cerebral palsy, or Parkinson's disease, in removing oral or topical medication from containers and in consuming or applying the medication, upon request by or with the consent of the resident. If a resident is physically unable to place a dose of medicine to the resident's mouth without spilling it, a staff member may place the dose in a container and place the container to the mouth of the resident.

(C) A residential care facility may admit or retain individuals who require skilled nursing care beyond the supervision of special diets, application of dressings, or administration of medication, only if the care will be provided on a part-time, intermittent basis for not more than a total of one hundred twenty days in any twelve-month period. In accordance with Chapter 119. of the Revised Code, the public health council shall adopt rules specifying what constitutes the need for skilled nursing care on a part-time, intermittent basis. The council shall adopt rules that are consistent with rules pertaining to home health care adopted by the director of job and family services for the medical assistance program established under Chapter 5111. of the Revised Code. Skilled nursing care provided pursuant to this division may be provided by a home health agency certified under Title XVIII of the "Social Security Act," ~~49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ a hospice care program licensed under Chapter 3712. of the Revised Code, or a member of the staff of a residential care facility who is qualified to perform skilled nursing care.

A residential care facility that provides skilled nursing care pursuant to this division shall do both of the following:

(1) Evaluate each resident receiving the skilled nursing care at least once every seven days to determine whether the resident should be transferred to a nursing home;

(2) Meet the skilled nursing care needs of each resident receiving the care.

(D) A residential care facility may admit or retain a hospice patient who requires skilled nursing care for more than one hundred twenty days in any twelve-month period only if the facility has entered into a written agreement with a hospice care program licensed under Chapter 3712. of the Revised Code. The agreement between the residential care facility and hospice program shall include all of the following provisions:

(1) That the hospice patient will be provided skilled nursing care in the facility only if a determination has been made that the patient's needs can be met at the facility;

(2) That the hospice patient will be retained in the facility only if periodic redeterminations are made that the patient's needs are being met at the facility;

(3) That the redeterminations will be made according to a schedule specified in the agreement;

(4) That the hospice patient has been given an opportunity to choose the hospice care program that best meets the patient's needs.

(E) Notwithstanding any other provision of this chapter, a residential care facility in which residents receive skilled nursing care pursuant to this section is not a nursing home."

Between lines 185 and 186, insert:

"**Sec. 4766.09.** ~~(A)~~ This chapter does not apply to any of the following:

~~(1)~~(A) A person rendering services with an ambulance in the event of a disaster situation when licensees' vehicles based in the locality of the disaster situation are incapacitated or insufficient in number to render the services needed;

~~(2)~~(B) Any person operating an ambulance, ambulette, rotorcraft air ambulance, or fixed wing air ambulance outside this state unless receiving a person within this state for transport to a location within this state;

~~(3)~~(C) A publicly owned or operated emergency medical service organization and the vehicles it owns or leases and operates, except as provided in section 307.051, division (G) of section 307.055, division (F) of section 505.37, division (B) of section 505.375, and division (B)(3) of section 505.72 of the Revised Code;

~~(4)~~(D) An ambulance, ambulette, rotorcraft air ambulance, fixed wing air ambulance, or nontransport vehicle owned or leased and operated by the federal government;

~~(5)~~(E) A publicly owned and operated fire department vehicle;

~~(6)~~(F) Emergency vehicles owned by a corporation and operating only on the corporation's premises, for the sole use by that corporation;

~~(7)~~(G) An ambulance, nontransport vehicle, or other emergency medical service organization vehicle owned and operated by a municipal corporation;

~~(8)~~(H) A motor vehicle titled in the name of a volunteer rescue service organization, as defined in section 4503.172 of the Revised Code;

~~(9)~~(I) A public emergency medical service organization;

~~(10)~~(J) A fire department, rescue squad, or life squad comprised of volunteers who provide services without expectation of remuneration and do not receive payment for services other than reimbursement for expenses;

~~(11)~~(K) A private, nonprofit emergency medical service organization when fifty per cent or more of its personnel are volunteers, as defined in section 4765.01 of the Revised Code;

~~(12)~~(L) Emergency medical service personnel who are regulated by the state board of emergency medical services under Chapter 4765. of the Revised Code;

~~(13)~~ A(M) Any of the following that operates a transit bus, as that term is defined in division (Q) of section 5735.01 of the Revised Code, unless the entity provides ambulette services that are reimbursed under the state medicaid plan:

(1) A public nonemergency medical service organization

~~(B) Except for the requirements specified in section 4766.14 of the Revised Code, this chapter does not apply to an ambulette service provider operating under standards adopted by rule by the department of aging, but only during the period of time on any day that the provider is solely serving the department or the department's designee. This chapter applies to an ambulette service provider at any time that the ambulette service provider is not solely serving the department or the department's designee;~~

(2) An urban or rural public transit system;

(3) A private nonprofit organization that receives grants under section 5501.07 of the Revised Code.

(N) An entity or vehicle owned by an entity that is certified by the department of aging or the department's designee under section 173.391 of the Revised Code and meets the requirements of section 4766.14 of the Revised Code, unless the entity or vehicle provides ambulette services that are reimbursed under the state medicaid plan;

(O) A vehicle that meets both of the following criteria, unless the vehicle provides services that are reimbursed under the state medicaid plan:

(1) The vehicle was purchased with funds from a grant made by the United States secretary of transportation under 49 U.S.C. 5310;

(2) The department of transportation holds a lien on the vehicle.

Sec. 4766.14. (A) An ambulette service provider described in division ~~(B)~~(M) or (N) of section 4766.09 of the Revised Code or the entity responsible for a vehicle described in division (O) of section 4766.09 of the Revised Code that provides ambulette services shall do all of the following:

(1) Make available to all its ambulette drivers while operating ambulette vehicles a means of two-way communication using either ambulette vehicle radios or cellular telephones;

(2) Equip every ambulette vehicle with one isolation and biohazard disposal kit that is permanently installed or secured in the vehicle's cabin;

(3) Before hiring an applicant for employment as an ambulette driver, obtain all of the following:

(a) A valid copy of a signed statement from a licensed physician acting within the scope of the physician's practice declaring that the applicant does not have a medical condition or physical condition, including vision impairment that cannot be corrected, that could interfere with safe driving, passenger assistance, and emergency treatment activity or could jeopardize the health and welfare of a

client or the general public;

(b) All of the certificates and results required under divisions (A)(2), (3), and (4) of section 4766.15 of the Revised Code.

(B) No ambulette service provider described in division ~~(B)~~(M) or the (N) of section 4766.09 of the Revised Code or entity responsible for a vehicle described in division (O) of section 4766.09 of the Revised Code that provides ambulette services shall employ an applicant as an ambulette driver if the applicant has six or more points on the applicant's driving record pursuant to section 4510.036 of the Revised Code.

(C) ~~The~~(1) Except as provided in division (C)(2) of this section, the department of aging shall administer and enforce this section.

(2) The department of transportation shall administer and enforce this section as it applies to entities described in division (M) of section 4766.09 of the Revised Code."

Delete lines 186 through 239 and insert:

"**Sec. 5111.971.** (A) As used in this section, "long-term caremedicaid waiver component" means any of the following:

(1) The PASSPORT program created under section 173.40 of the Revised Code;

(2) The medicaid waiver component called the choices program that the department of aging administers;

(3) A medicaid waiver component that the department of job and family services administers.

(B) The director of job and family services shall submit a request to the United States secretary of health and human services for a waiver of federal medicaid requirements that would be otherwise violated in the creation of a pilot program under which not more than two hundred individuals who meet the pilot program's eligibility requirements specified in division (D) of this section receive a spending authorization to pay for the cost of medically necessary ~~health care~~home and community-basedservices that the pilot program covers. The spending authorization shall be in an amount not exceeding seventy per cent of the average cost under the medicaid program for providing nursing facility services to an individual. An individual participating in the pilot program shall also receive necessary support services, including fiscal intermediary and other case management services, that the pilot program covers.

(C) If the United States secretary of health and human services approves the waiver submitted under division (B) of this section, the department of job and family services shall enter into a contract with the department of aging under section 5111.91 of the Revised Code that provides for the department of aging to administer the pilot program that the waiver authorizes.

(D) To be eligible to participate in the pilot program created under division (B) of this section, an individual must meet all of the following requirements:

(1) Need an intermediate level of care as determined under rule 5101:3-3-06 of the Administrative Code or a skilled level of care as determined under rule 5101:3-3-05 of the Administrative Code;

(2) At the time the individual applies to participate in the pilot program, be one of the following:

(a) A nursing facility resident ~~who is seeking to move to a residential care facility or county or district home and~~ who would remain in a nursing facility if not for the pilot program;

(b) A participant of any long-term care medicaid waiver component who would move to a nursing facility if not for the pilot program.

(3) Meet all other eligibility requirements for the pilot program established in rules adopted under section 5111.85 of the Revised Code.

(E) The director of job and family services may adopt rules under section 5111.85 of the Revised Code as the director considers necessary to implement the pilot program created under division (B) of this section. The director of aging may adopt rules under Chapter 119. of the Revised Code as the director considers necessary for the pilot program's implementation. The rules may establish a list of medicaid-covered services not covered by the pilot program that an individual participating in the pilot program may not receive if the individual also receives medicaid-covered services outside of the pilot program."

In line 387, after "3721.04," insert "4766.09, 4766.14,"

In line 1 of the title, after "3721.04," insert "4766.09, 4766.14,"

In line 9 of the title, after the comma insert "to exempt certain entities from the Medical Transportation Law,"

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

The yeas and nays were taken and resulted - yeas 92, nays 0, as follows:

Those who voted in the affirmative were: Representatives

- | | | | |
|----------|------------|-----------|----------|
| Allen | Aslanides | Barrett | Beatty |
| Blasdel | Blessing | Bocchieri | Brinkman |
| Brown | Bubp | Buehrer | Calvert |
| Carano | Carmichael | Cassell | Chandler |
| Coley | Collier | Combs | Core |
| Daniels | DeBose | DeGeeter | DeWine |
| Distel | Domenick | Driehaus | Evans C. |
| Faber | Fende | Fessler | Flowers |
| Garrison | Gibbs | Gilb | Hagan |
| Hartnett | Harwood | Healy | Hood |
| Hoops | Hughes | Key | Kilbane |
| Koziura | Latta | Law | Martin |

Mason	McGregor J.	McGregor R.	Miller
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Raussen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Smith S.
Stewart D.	Stewart J.	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Yates	Yuko	Husted-92.

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 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Bocchieri	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Domenick	Driehaus	Evans C.
Faber	Fende	Fessler	Flowers
Garrison	Gibbs	Gilb	Hagan
Hartnett	Harwood	Healy	Hood
Hoops	Hughes	Key	Kilbane
Koziura	Latta	Law	Martin
Mason	McGregor J.	McGregor R.	Miller
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Raussen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Smith S.
Stewart D.	Stewart J.	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Yates	Yuko	Husted-92.

The bill passed.

Representative White moved to amend the title as follows:

Add the names: "Allen, Blessing, Buehrer, Cassell, Collier, DeBose, DeGeeter, Distel, Domenick, Evans, C., Fende, Flowers, Garrison, Gilb, Hagan, Harwood, Healy, Hoops, Hughes, Key, Koziura, Latta, Otterman, Patton, T., Reidelbach, Sayre, Seitz, Setzer, Stewart, D., Ujvagi, Wagoner,

Webster, Willamowski, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. S. B. No. 144-Senators Schuler, Clancy, Mumper, Spada.
-Representatives Seitz, Collier, Cassell, Distel, Schaffer.

To amend section 4763.05 of the Revised Code to modify the Ohio Real Estate Appraiser law with respect to the temporary registration of appraisers licensed or certified in another state, was taken up for consideration the third time.

11/16/05

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. S. B. No. 144**-Senator Schuler, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ ALLAN R. SAYRE
ALLAN R. SAYRE
State Representative
96th House District

The request was granted.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 91, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	Bocchieri	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Domenick	Driehaus	Evans C.
Faber	Fende	Fessler	Flowers
Garrison	Gibbs	Gilb	Hagan
Hartnett	Harwood	Healy	Hood

Hoops	Hughes	Key	Kilbane
Koziura	Latta	Law	Martin
Mason	McGregor J.	McGregor R.	Miller
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Raussen	Redfern	Reidelbach	Reinhard
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Smith S.	Stewart D.
Stewart J.	Sykes	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Yates	Yuko		Husted-91.

The bill passed.

Representative Schaffer moved to amend the title as follows:

Add the names: "Barrett, Combs, DeBose, Domenick, Fende, Fessler, Flowers, Hartnett, Hughes, Miller, Raga, Schneider, Stewart, D., Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on November 16, 2005, signed the following:

Am. S. B. No. 190 - Senator Carey - et al.

Am. Sub. H. B. No. 108 - Representative Hagan - et al.

Sub. H. B. No. 209 - Representative Combs - et al.

On motion of Representative Blasdel, the House adjourned until Thursday, November 17, 2005 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.