

OHIO

House

of

Representatives

JOURNAL

CORRECTED VERSION
TUESDAY, JANUARY 17, 2006

ONE HUNDRED TWENTY-NINTH DAY
Hall of the House of Representatives, Columbus, Ohio
Tuesday, January 17, 2006 at 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Mike Potts of the Northwest Presbyterian Church in Dublin, Ohio, followed by the Pledge of Allegiance to the Flag.

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

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

Otto and Laurel Beatty, guests of Representative Beatty-27th district.

Emily, Cassidy, and Avery Book, guests of Representative Book-89th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 469-Representatives Faber, Brinkman, Fessler, Wagner, McGregor, J., Seitz, Schaffer, Buehrer.

To amend section 4731.91 of the Revised Code concerning distribution of medication that will or may result in abortion or termination of life and performance of medical procedures that will or may result in termination of life.

H. B. No. 470-Representatives Widowfield, Trakas, McGregor, J., Gilb, Reidelbach, Skindell, Chandler, Hartnett, Evans, D., Fende, Wolpert, Harwood, Fessler, Aslanides, Carano, Brown, Williams.

To amend section 4719.06 and to enact section 4719.22 of the Revised Code to prohibit a telephone solicitor or salesperson, in relation to a telephone solicitation or a call subsequently arising from that solicitation, from failing to disclose the physical location where the call is originated or received.

H. B. No. 471-Representatives Garrison, Healy.

To enact sections 5101.91, 5101.911, 5101.912, 5101.913, 5101.914, and 5101.915 of the Revised Code to require certain employers in this state who do not provide a specified amount of health care coverage to their employees to make contributions to a fund to be used to supplement this state's share of Medicaid costs.

H. B. No. 472-Representatives Schneider, McGregor, J., Gilb, Evans, C., Allen, Chandler, Seitz, Latta, Schaffer, Setzer.

To enact section 5.2232 of the Revised Code to designate the third week of May "Co-op Education Week."

H. B. No. 473-Representative Trakas.

To amend sections 3313.42, 3313.64, 3314.08, 3314.10, 3316.07, 3317.01, 3317.02, 3317.022, 3317.023, 3317.08, 3317.082, 3317.11, 3317.12, 3317.13, 3317.14, 3317.16, 3317.19, 3319.02, 3319.08, 3319.081, 3319.082, 3319.088, 3319.10, 3319.11, 3319.111, 3319.12, 3319.17, 3319.172, 3319.18, 3319.22, 3319.283, 3323.14, 4117.09, 5126.24, and 5705.412 and to enact sections 3317.141 and 3317.142 of the Revised Code and to amend Section 206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly to require school district boards of education to establish through collective bargaining merit pay systems for classroom teachers and certain educational assistants, to eliminate continuing contracts for teachers and certain educational assistants employed by school districts, and to prohibit the State Board of Education from requiring a degree higher than a bachelor's degree or continuing education to obtain or renew an educator license for being a classroom teacher.

Said bills were considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 136**-Representative Gilb, et al., were taken up for consideration.

Sub. H. B. No. 136-Representatives Gilb, Hood, McGregor, Allen, Harwood, Aslanides, Barrett, Beatty, Blessing, Book, Brown, Bulp, Cassell, Chandler, Collier, Combs, DeGeeter, Domenick, C. Evans, D. Evans, Faber, Fende, Flowers, Garrison, Hagan, Healy, Hughes, Latta, Mason, Mitchell, Oelslager, Otterman, S. Patton, Perry, Raussen, Reidelbach, Schaffer, Schneider, Seaver, Seitz, G. Smith, D. Stewart, Wagoner, Webster, Wolpert, Yuko. -Senators Dann, Armbruster, Cates, Gardner, Harris, Zurz, Padgett, Niehaus, Spada, Clancy, Mumper, Goodman.

To amend sections 3111.04, 3111.06, 3111.07, 3111.381, and 3123.171 and to enact section 3109.043 of the Revised Code relative to paternity actions and interest on child support arrearages, to allow a child support enforcement agency to bring an action relative to the determination of a parent and child relationship if the child's father or alleged father receives public assistance or services under Title IV-D of the "Social Security Act," and to allow a court to make a temporary custody determination before a parent and child relationship has been legally established.

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 | Book |
| Brinkman | Brown | Bubp | Buehrer |
| Calvert | Carano | Carmichael | Cassell |
| Chandler | Coley | Collier | Core |
| Daniels | DeGeeter | DeWine | Distel |
| Dolan | Domenick | Driehaus | Evans C. |
| Evans D. | Faber | Fende | Fessler |
| Flowers | Garrison | Gibbs | Gilb |
| Hagan | Hartnett | Harwood | Healy |
| Hood | Hoops | Hughes | Kilbane |
| Koziura | Latta | Law | Martin |
| Mason | McGregor J. | McGregor R. | Miller |
| Mitchell | Oelslager | Otterman | Patton T. |
| 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-93. |

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 157**-Representative Distel, et al., were taken up for consideration.

Sub. H. B. No. 157-Representatives Distel, Aslanides, McGregor, S. Patton, Seitz, C. Evans, Carano, Cassell, Hartnett, Brown, Strahorn, Perry, Gibbs, Setzer, Domenick, Allen, Blessing, Book, Chandler, Coley, Collier, Core, DeBose, Dolan, Driehaus, Fende, Flowers, Harwood, Hughes, Kearns, Key, Koziura, Latta, Law, Martin, Miller, Oelslager, Otterman, T. Patton, Reinhard, S. Smith, D. Stewart, J. Stewart, Taylor, Wagoner, Walcher, Williams, Woodard, Yates, Yuko. -Senators Grendell, Carey, Mumper, Fedor, Brady, Hagan, Dann, Armbruster, Austria, Cates, Clancy, Padgett, Amstutz, Coughlin, Gardner, Goodman, Harris, Hottinger, Jacobson, Jordan, Mallory, Miller, Niehaus, Prentiss, Roberts, Schuler, Schuring, Wachtmann, Zurz.

To amend section 1541.31 of the Revised Code and to amend Sections 209.18 and 209.18.03 of Am. Sub. H.B. 66 of the 126th General Assembly to revise the Pymatuning Lake Compact, to exempt the Division of Wildlife from making payments into the Department of Natural Resources' Central Support Indirect 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 0, nays 92, as follows:

Those who voted in the negative were: Representatives

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

The Senate amendments were not concurred in.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Chandler submitted the following report:

The standing committee on Local and Municipal Government and Urban Revitalization to which was referred **Sub. S. B. No. 82**-Senator Grendell, et al., having had the same under consideration, reports it back and recommends its passage.

RE: POLITICAL SUBDIVISION EMPLOYEES - LIVE ANYWHERE

Representative Wolpert moved to amend the title as follows:

Add the names: "Representatives Wolpert, Bubp, Brinkman, Yuko, Fende, Domenick, Uecker, Walcher, Collier."

THOM COLLIER
TOM BRINKMAN
KATHLEEN CHANDLER
JIM MCGREGOR
JOSEPH W. UECKER

MIKE MITCHELL
BRIAN G. WILLIAMS
KATHY L. WALCHER
DANNY R. BUBP
JOHN DOMENICK

LORRAINE M. FENDE
LARRY L. WOLPERT

KENNY YUKO
DAVID DANIELS

The following members voted "NO"

JEFF WAGNER

DIANA M. FESSLER

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

January 17, 2006

Speaker Jon Husted
Ohio House of Representatives
77 South High Street
Columbus, Ohio 43215

Dear Speaker Husted:

Please accept my resignation as Minority Leader, effective January 17, 2006.

Sincerely,

/s/ CHRIS REDFERN
Chris Redfern
State Representative
80th House District

January 17, 2006

The Honorable Chris Redfern
Ohio House of Representatives
77 South High Street
Columbus, Ohio 43215

Dear Representative Redfern:

This is to acknowledge receipt and acceptance of your resignation as Minority Leader of the House of Representatives, effective Tuesday, January 17, 2006.

Sincerely,

/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 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. 145-Speaker Husted.

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

WHEREAS, Chris Redfern of the 80th House District has resigned as minority leader of the House of Representatives of the 126th General Assembly effective January 17, 2006, thus creating a vacancy in the position of minority leader 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 Joyce Beatty of House District #27 as minority leader and T. Todd Book of House District #89 as assistant minority leader; therefore be it

RESOLVED, By the members of the House of Representatives of the 126th General Assembly that Joyce Beatty be, and upon adoption of this resolution is, hereby elected to the office of minority leader; and that T. Todd Book be, and upon adoption of this resolution is, hereby elected to the office of assistant minority leader.

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 | Brown | Bubp | Buehrer |
| Calvert | Carano | Carmichael | Cassell |
| Chandler | Coley | Collier | Core |
| Daniels | DeGeeter | DeWine | Distel |
| Dolan | Domenick | Driehaus | Evans C. |
| Evans D. | Faber | Fende | Fessler |
| Flowers | Garrison | Gibbs | Gilb |
| Hagan | Hartnett | Harwood | Healy |
| Hood | Hoops | Hughes | Kilbane |
| Koziura | Latta | Law | Martin |
| Mason | McGregor J. | McGregor R. | Miller |
| Mitchell | Oelslager | Otterman | Patton T. |
| 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-93. |

The resolution was adopted.

Representatives Beatty and Book were escorted to the bar of the House by Representatives DeGeeter, Fende, Hartnett, Mitchell, D. Stewart, Sykes, Brown, Flowers, and Seitz, 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 their duties.

State of Ohio
County of Franklin

I, Joyce Beatty, 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/ JOYCE BEATTY

Sworn to and subscribed before me this 17th day of January, 2006.

/s/ JON A. HUSTED

State of Ohio
County of Franklin

I, T. Todd Book, 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/ T. TODD BOOK

Sworn to and subscribed before me this 17th day of January, 2006.

/s/ JON A. HUSTED

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 251-Representatives Uecker, Kearns, Raga, McGregor, J., Martin, Schneider, Collier, Wagoner, Bulp, Law, Brown, Williams, Mason, Hagan, Stewart, J., Hartnett.

To amend sections 123.011, 125.09, and 125.11 and to enact section 3345.69 of the Revised Code to specify certain energy efficiency and conservation standards relating to facility construction and leasing that the Office of Energy Services in the Department of Administrative Services must adopt and with which state agencies and public schools must comply unless they meet higher standards; require certain additional duties, and additional cooperation between the Office and the Office of Energy Efficiency of the Department of Development, relating to state purchasing; require the Department of Administrative Services to give preference to procuring products and services that meet federal energy efficiency guidelines; and require boards of trustees of state institutions of higher education to adopt rules to carry out on- and off-campus building, energy efficiency and conservation guidelines developed by a committee of those institutions in consultation with the Office of Energy Services, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Uecker moved to amend as follows:

In line 207, delete the first underlined comma

In ines 423 and 460, delete "(A)(2)and(3)" and insert "(A)(1)and (2)"

In line 430, delete "(2)" and insert "(1)"

In line 443, delete "(3)" and insert "(2)"

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

The motion was agreed to without objection.

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

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 | Boccieri | Book |
| Brinkman | Brown | Bubp | Buehrer |
| Calvert | Carano | Carmichael | Cassell |
| Chandler | Coley | Collier | Core |
| Daniels | DeGeeter | DeWine | Distel |
| Dolan | Domenick | Driehaus | Evans C. |
| Evans D. | Faber | Fende | Flowers |
| Garrison | Gibbs | Gilb | Hagan |
| Hartnett | Harwood | Healy | Hood |
| Hoops | Hughes | Kilbane | Koziura |
| Latta | Law | Martin | Mason |
| McGregor J. | McGregor R. | Miller | Mitchell |
| Oelslager | Otterman | Patton T. | 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-92. |

Representative Fessler voted in the negative-1.

The bill passed.

Representative Uecker moved to amend the title as follows:

Add the names: "Barrett, Blessing, Calvert, Carano, Cassell, Chandler, Domenick, Evans, C., Faber, Fende, Flowers, Garrison, Hughes, Miller, Mitchell, Oelslager, Otterman, Patton, T., Raussen, Reidelbach, Schlichter, Seitz, Setzer, Skindell, Smith, G., Stewart, D., Strahorn, Webster, Yates, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 98-Representatives Setzer, Blessing, Kearns, Ujvagi, Otterman, Carano, Seaver, Uecker, Schaffer, Latta, Evans, D., Gilb, Hughes.

To amend section 2903.13 of the Revised Code to increase the penalty for assault when the victim is performing services in an emergency facility, 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 6, 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 | Core |
| Daniels | DeGeeter | DeWine | Distel |
| Dolan | Domenick | Driehaus | Evans C. |
| Evans D. | Faber | Fende | Fessler |
| Flowers | Garrison | Gibbs | Gilb |
| Hagan | Hartnett | Harwood | Hood |
| Hoops | Hughes | Kilbane | Koziura |
| Latta | Law | Martin | Mason |
| McGregor J. | McGregor R. | Mitchell | Oelslager |
| Otterman | Patton T. | Peterson | Raga |
| Raussen | Redfern | Reidelbach | Reinhard |
| Sayre | Schaffer | Schlichter | Schneider |
| Seaver | Seitz | Setzer | Smith G. |
| Stewart D. | Stewart J. | Strahorn | Taylor |
| Trakas | Uecker | Wagner | Wagoner |
| Walcher | Webster | White | Widener |

Widowfield
Woodard

Willamowski
Yuko

Williams

Wolpert
Husted-87.

Representatives Healy, Miller, Skindell, Smith S., Sykes, and Yates voted in the negative-6.

The bill passed.

Representative Setzer moved to amend the title as follows:

Add the names: "Allen, Barrett, Book, Calvert, Carmichael, Cassell, Coley, Daniels, Domenick, Evans, C., Flowers, Hagan, McGregor, J., Oelslager, Schneider, Seitz, Smith, G., Wagoner, Webster, White, Widener, Widowfield, Willamowski."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Message from the Senate

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. 144 - Representatives Buehrer, Aslanides, Barrett, Daniels, Domenick, C. Evans, D. Evans, Faber, Flowers, Gilb, Harwood, Hughes, Latta, McGregor, Miller, Oelslager, Reidelbach, Schneider, Seaver, Seitz, G. Smith Senator Goodman

To amend sections 2107.76 and 2317.02 of the Revised Code to waive the physician-patient and attorney-client privileges in probate cases under certain circumstances, to prohibit persons who have not received or waived the right to receive notice of the admission of a will to probate from commencing an action to contest the validity of the will more than three months after the filing of a certificate of giving notice or waiver of notice of the admission of the will to probate, and to provide that the savings statute does not apply to a civil action to contest the validity of a will.

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

Attest:

David A. Battocletti,
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate insists on its amendments to:

Am. Sub. H. B. No. 3 - Representative DeWine - et al.

and asks for a Committee of Conference.

Attest:

David A. Battocletti,
Clerk.

MESSAGE FROM THE SPEAKER

The Speaker hereby appoints the following members of the House to the Committee of Conference on matters of difference between the two houses on **Am. Sub. H. B. No. 3** - Representative DeWine - et al.,

Representatives DeWine, Hughes, and Driehaus.

CLERK'S NOTATION

This is to acknowledge receipt from the Supreme Court of Ohio, on January 12, 2006, proposed amendments to the Ohio Rules of Evidence, Ohio Rules of Civil Procedure, Ohio Rules of Criminal Procedure, and Ohio Rules of Juvenile Procedure.

On motion of Representative Blasdel, the House adjourned until Wednesday, January 18, 2006 at 1:30 o'clock p.m.

Attest:

LAURA P. CLEMENS,
Clerk.