

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, FEBRUARY 7, 2006

ONE HUNDRED THIRTY-EIGHTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, February 7, 2006 at 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Don Stowell of the Lockland Christian Church in Cincinnati, 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:

Brandon Saine received H. R. No. 85, presented by Representative Fessler-79th district.

Students from Graham Road Elementary School, guests of Representative Flowers-19th district.

### INTRODUCTION OF BILLS

The following bills were introduced:

**H. B. No. 502**-Representatives Ujvagi, Yuko, Perry, Distel, Brown, DeGeeter, Skindell, Cassell, Koziura, Williams, Allen, Beatty, Wagoner.

To amend section 3701.741 of the Revised Code to allow an authorized person to obtain one copy of a patient's medical record without charge.

**H. B. No. 503**-Representative Ujvagi.

To amend sections 3109.04 and 3109.041 of the Revised Code to prohibit a juvenile court from making custody determinations or modifications in a case in which one of the parents is called to active military service with any reserve component of the United States armed forces or Ohio militia.

**H. B. No. 504**-Representatives Ujvagi, Yuko, Cassell, Boccieri, Williams, Carano, Allen, Brown, Otterman, Evans, D., Beatty.

To enact section 124.1311 of the Revised Code to grant paid leave to certain state employees so that they may participate in a funeral honors detail at the funeral of a veteran.

**H. B. No. 505**-Representatives Reinhard, Aslanides, Bulp, Faber, Gilb, Hagan, Hoops, Martin, Seitz, Setzer, Wagner.

To enact section 3745.50 of the Revised Code to require that state

environmental laws be construed to be no more stringent than the laws' federal counterparts.

**H. B. No. 506**-Representative Blessing.

To amend section 5747.01 and to enact sections 148.11, 148.12, and 148.13 of the Revised Code to make health savings accounts available to public employees and provide tax benefits to public employees who use health savings accounts, and to increase the deductible permitted under the state income tax for unreimbursed medical care.

**H. B. No. 507**-Representative Patton, T..

To amend section 2317.02 of the Revised Code to create a testimonial privilege for communications between a representative of an employee organization and a bargaining unit member.

**H. B. No. 508**-Representatives Hood, McGregor, J., Brinkman, Hoops, Law, Fessler, Reidelbach, Cassell, Gilb, Schaffer.

To amend section 5502.99 and to enact section 5502.371 of the Revised Code to prohibit the confiscation of lawfully owned and carried firearms during a state of emergency.

Said bills were considered the first time.

### CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Am. H. B. No. 102**-Representative Wolpert, et al., were taken up for consideration.

**Am. H. B. No. 102**-Representatives Wolpert, Faber, Core, Seaver, Willamowski, Raussen, Combs, G. Smith, Martin, Hoops, Reidelbach, Harwood, Allen, Buehrer, Cassell, Coley, Collier, Domenick, C. Evans, Flowers, Gibbs, Gilb, Hagan, Hood, Hughes, McGregor, Schaffer, Setzer, White, Williams. -Senators Amstutz, Fedor, Grendell, Niehaus, Padgett.

To amend section 3111.03 and to enact section 3111.97 of the Revised Code to clarify the parentage of children born as a result of embryo donation.

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	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.	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.	Stewart D.
Stewart J.	Strahorn	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Yates	Yuko		Husted-95.

The Senate amendments were concurred in.

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

Representative Stewart, D. submitted the following report:

The standing committee on State Government to which was referred **S. C. R. No. 23**-Senator Jacobson, et al., having had the same under consideration, recommends its re-referral to the committee on Rules and Reference.

RE: CONDEMN IRANIAN PRESIDENT'S STATEMENT

JOSEPH W. UECKER  
JIM CARMICHAEL  
KATHY L. WALCHER  
LARRY L. FLOWERS  
DAN STEWART  
WILLIAM J. HARTNETT

MIKE MITCHELL  
CHARLES R. BLASDEL  
ARLENE J. SETZER  
THOMAS F. PATTON  
BARBARA A. SYKES  
STEPHEN BUEHRER

The report was agreed to.

The bill was ordered to be engrossed and rereferred to the committee on Rules and Reference.

Representative Stewart, D. submitted the following report:

The standing committee on State Government to which was referred **H. B. No. 375**-Representative Flowers, et al., having had the same under

consideration, reports it back as a substitute bill and recommends its passage.

RE: EMS CERTIFICATE SUSPENSIONS

Representative Flowers moved to amend the title as follows:

Add the names: "Patton, T., Stewart, D.."

STEPHEN BUEHRER  
JIM CARMICHAEL  
WILLIAM J. HARTNETT  
BARBARA A. SYKES  
KATHY L. WALCHER  
LARRY L. FLOWERS

JOSEPH W. UECKER  
CHARLES R. BLASDEL  
THOMAS F. PATTON  
ARLENE J. SETZER  
DAN STEWART

The following member voted "NO"

MIKE MITCHELL

The report was agreed to.

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

Representative Stewart, D. submitted the following report:

The standing committee on State Government to which was referred **H. B. No. 379**-Representative Yuko, et al., having had the same under consideration, reports it back and recommends its passage.

Representative Stewart, D. moved to amend the title as follows:

Add the names: "Blasdel, Carmichael, Patton, T., Walcher, Setzer, Uecker."

JOSEPH W. UECKER  
CHARLES R. BLASDEL  
ARLENE J. SETZER  
THOMAS F. PATTON  
BARBARA A. SYKES  
WILLIAM J. HARTNETT

JIM CARMICHAEL  
KATHY L. WALCHER  
LARRY L. FLOWERS  
DAN STEWART  
MIKE MITCHELL  
STEPHEN BUEHRER

The report was agreed to.

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

### BILLS FOR THIRD CONSIDERATION

**Sub. H. B. No. 301**-Representatives Seitz, Fessler, Combs, Wagoner, Coley, Trakas, Reidelbach, Gilb, White, Schneider, Willamowski.

To amend sections 111.16, 1701.01, 1701.10, 1701.11, 1701.17, 1701.18, 1701.19, 1701.40, 1701.41, 1701.44, 1701.51, 1701.54, 1701.57, 1701.58,

1701.62, 1701.63, 1701.73, 1701.75, 1701.76, 1701.81, 1701.831, 1701.84, 1701.85, 1701.92, 1704.02, 1704.03, 1705.09, 1705.19, 1705.40, 1705.41, 1705.42, 1707.01, 1707.041, 1707.20, 1707.44, 1775.01, 1775.05, 1775.14, 1775.45 to 1775.52, 1782.435, 1782.436, and 1782.437 and to enact sections 1701.782, 1701.792, 1701.802, 1701.811, 1701.821, 1701.921, 1705.361, 1705.371, 1705.381, 1705.391, 1705.61, 1707.142, 1775.53 to 1775.56, 1782.438, 1782.439, 1782.4310, 1782.4311, and 1782.65 of the Revised Code to authorize and specify applicable provisions to conversions of business entities by corporations, limited liability companies, and general, limited liability, and limited partnerships; to expand the limited liability of registered limited liability partnerships; to limit liability to limited partnerships; to modify the Corporation Law relating to regulations or articles, shareholder rights, delegation authority, acceptable payments for shares, director meetings, executive committees, actions authorized after bankruptcy, distributions to shareholders when the issuing corporation "spins off" a subsidiary corporation, reorganization and restructuring of holding company corporations, and control share acquisitions; to modify the Limited Liability Company Law to specify acceptable forms of contributions; and to modify the Securities Law relating to dealer recordkeeping and filing requirements, tender offers, and incorporation in Ohio law of future amendments to federal securities laws, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Seitz moved to amend as follows:

In line 2168, delete "maybe" and insert "may be"

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 96, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Blessing	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.	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.	Stewart D.
Stewart J.	Strahorn	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Yates	Yuko	Husted-96.

The bill passed.

Representative Seitz moved to amend the title as follows:

Add the names: "Allen, Aslanides, Barrett, Beatty, Book, Carano, Cassell, Collier, Core, DeGeeter, Domenick, Evans, C., Fende, Flowers, Garrison, Gibbs, Harwood, Healy, Hughes, Key, Mason, McGregor, J., McGregor, R., Miller, Mitchell, Oelslager, Otterman, Patton, T., Sayre, Seaver, Webster, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. B. No. 368**-Representatives Wolpert, Widowfield, Ujvagi, Miller, Evans, D., McGregor, J., Brown, Fende, Patton, S., Flowers.

To amend section 4399.14 of the Revised Code to remove the prohibition against a minor being in a public dance hall unless accompanied by a parent or legal guardian, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 89, nays 7, as follows:

Those who voted in the affirmative were: Representatives

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

Seaver	Seitz	Setzer	Skindell
Smith G.	Stewart D.	Stewart J.	Strahorn
Taylor	Trakas	Uecker	Ujvagi
Wagner	Wagoner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Yates	Yuko
			Husted-89.

Representatives Beatty, Chandler, Driehaus, Fessler, Mason, Schaffer, and Sykes voted in the negative-7.

The bill passed.

Representative Wolpert moved to amend the title as follows:

Add the names: "Combs, Evans, C., Seaver, Webster."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 33**-Senators Spada, Jacobson, Amstutz, Schuler, Mumper, Armbruster, Dann, Zurz. -Representatives Webster, Hagan, Allen, Healy, Patton, T., Daniels, Stewart, D., Coley, Smith, G..

To enact section 1349.61 of the Revised Code to prohibit the sale of a gift card that has an expiration date that is less than two years after the date the gift card is issued and to prohibit, for two years after issuance, any service charges or fees having the effect of reducing the value of the gift card, 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	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.	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.	Stewart D.



Stewart J.	Strahorn	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Yates	Yuko	Husted-96.

The bill passed.

Representative Widener moved to amend the title as follows:

Add the names: "Book, Brown, Cassell, Chandler, Combs, DeBose, DeGeeter, Distel, Domenick, Driehaus, Evans, C., Fende, Fessler, Flowers, Garrison, Gilb, Harwood, Hughes, Key, Koziura, Mason, McGregor, J., Miller, Mitchell, Oelslager, Otterman, Patton, S., Raussen, Reidelbach, Sayre, Seaver, Setzer, Skindell, Ujvagi, Williams, Yuko."

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 Wednesday, February 8, 2006 at 1:30 o'clock p.m.

Attest:

LAURA P. CLEMENS,  
Clerk.