

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 | Raussen | 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.