

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

**CORRECTED VERSION**  
**WEDNESDAY, MARCH 15, 2006**

ONE HUNDRED FIFTY-FOURTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, March 15, 2006 at 1:30 o'clock p.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Chris Cottrell of the 1st Church of God in Ansonia, 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:

Dawn and Kyle Schirm, a guest of Representative Carmichael-3rd district.

Steve Kochheiser, a guest of Representative Willamowski-4th district.

John Willamowski, Jr., a guest of Representative Willamowski-4th district.

Mrs. Schmitt and 8th grade students from St. Vincent Ferrar's Middle School, guests of Representative Schneider-35th district.

Charlie Shoemaker, Graham Cochran, Darryl Smith Sr., Maya Jones, Jamila Jones, and Darryl Smith, guests of Representative Allen-39th district.

Judge Andy DeVine, Nicole Neitger and Kim Partin, guests Representative Perry-49th district.

Tom Wisvari, Jack Staugler, Cynthia Leis, Rhonda Williams, Aaron Kruckaberg, and Roger Bender, guests of Representative Faber-77th district.

Bob Mollette, a guest of Representative Book-89th district.

Students from West Geauga High School and Craig Albert, guests of Representative Dolan-98th district.

### INTRODUCTION OF BILLS

The following bills were introduced:

**H. B. No. 535**-Representatives McGregor, J., Wagoner, Seitz, Peterson, Hughes, Ujvagi, Skindell, Latta, Perry, Law, Smith, G..

To enact section 5.2234 of the Revised Code to designate April 29 of each year "Heritage and Freedom Flag of the Former Republic of Vietnam Day."

**H. B. No. 536**-Representatives Faber, McGregor, J., Wagner, Fessler, Reidelbach, Brinkman, Seaver, Wolpert, Gilb, Raussen.

To amend sections 3955.01 and 3955.12 of the Revised Code to exempt the Ohio Insurance Guaranty Association from being obligated to pay more than a

single three hundred thousand dollar claim for injury or death to any one person and a claim of an insured whose net worth exceeds fifty million dollars.

Said bills were considered the first time.

**CONSIDERATION OF SENATE AMENDMENTS**

The Senate amendments to **Sub. H. B. No. 162**-Representative Peterson, et al., were taken up for consideration.

**Sub. H. B. No. 162**-Representatives Peterson, Latta, D. Evans, Hughes, Seitz, Yuko, Bulp, Buehrer, Carano, Cassell, Collier, Core, DeBose, Domenick, C. Evans, Flowers, Gilb, Hartnett, Key, Martin, McGregor, Otterman, T. Patton, Raussen, Reidelbach, Seaver, G. Smith, Williams.  
-Senators Coughlin, Jacobson.

To amend sections 2152.20, 2301.51, 2301.52, 2301.55, 2301.56, 2301.57, 2744.01, 2929.01, 2929.34, 2929.37, 2929.38, 5120.031, 5120.111, 5120.112, and 5149.34, to enact new section 2301.58 and section 2301.571, and to repeal sections 2301.53, 2301.54, and 2301.58 of the Revised Code to revise the law governing community-based correctional facilities and district community-based correctional facilities.

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

The yeas and nays were taken and resulted - yeas 1, nays 93, as follows:  
Representative White voted in the affirmative-1.

Those who voted in the negative were: Representatives

Aslanides	Beatty	Blasdel	Blessing
Boccieri	Book	Brinkman	Brown
Bulp	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	Gilb	Hagan
Hartnett	Harwood	Healy	Hood
Hoops	Hughes	Key	Kilbane
Koziura	Latta	Law	Martin
Mason	McGregor J.	McGregor R.	Mitchell
Oelslager	Otterman	Patton S.	Patton T.
Perry	Peterson	Raga	Raussen
Redfern	Reed	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seitz	Setzer	Skindell	Smith G.
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Taylor	Trakas	Uecker
Ujvagi	Wagner	Wagoner	Webster

Widener  
Wolpert

Widowfield  
Woodard

Willamowski  
Yates

Williams  
Yuko  
Husted-93.

The Senate amendments were not concurred in.

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

Representative Mason submitted the following report:

The standing committee on Civil and Commercial Law to which was referred **H. B. No. 9**-Representative Oelslager, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: REVISE PUBLIC RECORDS LAW

WILLIAM J. SEITZ  
MARK D. WAGONER  
ROBERT E. LATTA  
SANDRA STABILE HARWOOD  
BILL COLEY  
T. TODD BOOK

W. SCOTT OELSLAGER  
MICHAEL J. SKINDELL  
LANCE T. MASON  
ANTHONY CORE  
JOHN R. WILLAMOWSKI

The report was agreed to.

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

Representative Distel submitted the following report:

The standing committee on Commerce and Labor to which was referred **H. B. No. 80**-Representative G. Smith, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: DRUG FREE PUBLIC WORKS PROJECTS

Representative Schaffer moved to amend the title as follows:

Add the names: "Stewart, D., Distel, Yuko, Cassell, Collier, Combs."

COURTNEY COMBS  
THOM COLLIER  
TOM BRINKMAN  
WILLIAM J. SEITZ  
KENNY YUKO  
CHRIS WIDENER

RONALD HOOD  
JIM MCGREGOR  
TIMOTHY O. SCHAFFER  
TIMOTHY J. CASSELL  
L. GEORGE DISTEL  
DAN STEWART

The report was agreed to.

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

Representative Healy reported for the Rules and Reference Committee

recommending that the following House Bills and Senate Bills be considered for the second time and referred to the following committees for consideration:

**H.B. No. 528 - Representative Fende, et al**

TO SPECIFY THAT SOCIAL SECURITY NUMBERS ARE NOT PUBLIC RECORDS AND TO REQUIRE A PUBLIC OFFICE TO REDACT SOCIAL SECURITY NUMBERS CONTAINED WITHIN A PUBLIC RECORD AND TO NOTIFY THE REQUESTER OF PUBLIC RECORDS OF THE REDACTION OF INFORMATION WITHIN A PUBLIC RECORD, INCLUDING SOCIAL SECURITY NUMBERS, THAT ARE EXEMPT FROM DISCLOSURE.

To the committee on Civil and Commercial Law

**H.B. No. 529 - Representative Wagner, et al**

TO REVISE THE LAW GOVERNING ADOPTION, FOSTER CARE, AND RELATED LAWS REGARDING THE DEPARTMENT OF JOB AND FAMILY SERVICES.

To the committee on Health

**H.B. No. 530 - Representative Calvert**

TO MAKE CAPITAL REAPPROPRIATIONS FOR THE BIENNIUM ENDING JUNE 30, 2008, TO MAKE CERTAIN SUPPLEMENTAL AND CAPITAL APPROPRIATIONS AND TO PROVIDE AUTHORIZATION AND CONDITIONS FOR THE OPERATION OF STATE PROGRAMS.

To the committee on Finance and Appropriations

**S.B. No. 271 - Senator Hottinger, et al**

TO DESIGNATE THE NEWARK EARTHWORKS AS THE OFFICIAL PREHISTORIC MONUMENT OF THE STATE.

To the committee on State Government

**Sub. S.B. No. 238 - Senator Niehaus, et al**

TO REVISE THE LAW GOVERNING CHILD WELFARE AND OTHER LAWS REGARDING THE DEPARTMENT OF JOB AND FAMILY SERVICES.

To the committee on Health

**S.B. No. 268 - Senator Stivers, et al**

TO ADOPT THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT.

To the committee on Insurance

Representative Blasdel moved that the House and Constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of all House Bills and Senate Bills contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said House Bills and Senate Bills were considered a second time and referred as recommended.

### MOTIONS AND RESOLUTIONS

Representative Healy reported for the Rules and Reference Committee recommending that the following House Resolutions be read by title only and approved:

**H.R. No. 164 - Representative G. Smith**

HONORING THE UPPER ARLINGTON HIGH SCHOOL GIRLS TENNIS TEAM AS THE 2006 OHIO TENNIS COACHES ASSOCIATION DIVISION I STATE CHAMPION.

Add the names: Flowers, Otterman

**H.R. No. 165 - Representative G. Smith**

RECOGNIZING THE UPPER ARLINGTON HIGH SCHOOL GIRLS SWIMMING AND DIVING TEAM AS THE 2006 DIVISION I STATE CHAMPIONS.

Add the names: Flowers, Otterman

**H.R. No. 166 - Representative G. Smith**

HONORING THE OHIO STATE UNIVERSITY WOMEN'S BASKETBALL TEAM ON WINNING THE BIG TEN CONFERENCE.

Add the names: Flowers, Otterman, Healy, Core

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Blasdel moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be approved.

The motion was agreed to.

Representative Carmichael moved that majority party members asking leave to be absent or absent the week of Tuesday, March 14, 2006, 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, March 14, 2006, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

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

In memory of the Honorable Frederick N. Young.

*WHEREAS, The members of the House of Representatives of the 126th General Assembly of Ohio extend our sincere condolences to the family and friends of the Honorable Frederick N. Young on the sorrowful occasion of his death; and*

*WHEREAS, Known and respected throughout the area for his honesty and energy as a judge for the Ohio 2nd District Court of Appeals, Frederick Young contributed a great deal to the legal profession, his community, and society as a whole. A graduate of Wesleyan University and Harvard Law School, he was president of the law firm of Young and Alexander, a member of the Ohio House of Representatives, a delegate to the Republican National Convention, a member of the Human Race Theater Board, director of the gridirons sponsored by the Dayton Bar Association, and chairman of the Montgomery County Republican Party, Wright State University Board of Trustees, and Children's Medical Center Board; and*

*WHEREAS, In all of his endeavors, Frederick Young was a reputable friend, mentor, and community leader who willingly donated his time and expertise to bettering the world around him, and he was acknowledged by all as a just and responsible arbiter, a man of the utmost integrity and conviction; and*

*WHEREAS, A devoted husband to his wife, Joyce, and a loving father to his four children, Margaret, Shirley, Ann, and Mary, Frederick Young led an exemplary life, manifesting those virtues we all seek to emulate, and the laurels of his life are a tribute not only to him but also to those he left behind. The passing of such a prominent figure is, indeed, a great loss, but it is our sincere hope that his legacy will continue to inspire and empower those near to him; therefore be it*

*RESOLVED, That we, the members of the House of Representatives of the 126th General Assembly of Ohio, in adopting this Resolution, mourn the loss and salute the memory of a truly unique individual, the Honorable Frederick N.*

*Young; and be it further*

*RESOLVED, That the Clerk of the House of Representatives transmit a duly authenticated copy of this Resolution to the family of the Honorable Frederick N. Young.*

The resolution was adopted.

### **BILLS FOR THIRD CONSIDERATION**

**Sub. S. B. No. 148**-Senators Hottinger, Grendell, Carey, Spada.  
-Representatives Wolpert, Domenick, McGregor, J., Bulp, Uecker, Combs, Yuko, Fende.

To amend section 317.09 of the Revised Code to authorize a county recorder to use electronic or magnetic mediums for recording federal tax and other federal liens and to request the disposal of paper versions of those recorded documents, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 94, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Beatty	Blasdel	Blessing
Boccieri	Book	Brinkman	Brown
Bulp	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	Gilb	Hagan
Hartnett	Harwood	Healy	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	Reed	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seitz	Setzer	Skindell	Smith G.
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Taylor	Trakas	Uecker
Ujvagi	Wagner	Wagoner	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Woodard	Yates
Yuko			Husted-94.

The bill passed.



Representative Wolpert moved to amend the title as follows:

Add the names: "Blessing, Calvert, Carano, Cassell, Chandler, Daniels, DeBose, Distel, Dolan, Evans, C., Evans, D., Flowers, Hughes, Key, Latta, Otterman, Patton, T., Raussen, Reidelbach, Sayre, Schneider, Seitz, Setzer, Smith, G., Smith, S., Stewart, J., Willamowski, Williams."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. B. No. 491**-Representatives Widener, McGregor, J., Miller, Yuko, Combs, Setzer, Strahorn, Faber, DeWine, Collier, Harwood, Sayre, Cassell, Reidelbach, Carano, Buehrer, Driehaus, Patton, T., Brown, Book, Gibbs, Hagan, Webster, Coley, Wagoner, Boccieri, White.

To amend sections 4735.01, 4735.16, 4735.18, 4735.51, 4735.63, and 4735.65 and to enact sections 4735.621 and 4735.75 of the Revised Code to add definitions to real estate broker law and to expand duties of licensees, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 94, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Beatty	Blasdel	Blessing
Boccieri	Book	Brinkman	Brown
Bubp	Buehrer	Calvert	Carano
Carmichael	Cassell	Chandler	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Dolan	Domenick	Driehaus	Evans C.
Evans D.	Faber	Fende	Fessler
Flowers	Garrison	Gilb	Hagan
Hartnett	Harwood	Healy	Hood
Hoops	Hughes	Key	Kilbane
Koziura	Latta	Law	Martin
Mason	McGregor J.	McGregor R.	Mitchell
Oelslager	Otterman	Patton S.	Patton T.
Perry	Peterson	Raga	Raussen
Redfern	Reed	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seitz	Setzer	Skindell	Smith G.
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Taylor	Trakas	Uecker
Ujvagi	Wagner	Wagoner	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Woodard	Yates
Yuko			Husted-94.

The bill passed.

Representative Widener moved to amend the title as follows:

Add the names: "Blessing, Calvert, Chandler, Daniels, DeGeeter, Domenick, Evans, C., Evans, D., Flowers, Healy, Hughes, Key, Koziura, Latta, Martin, McGregor, R., Otterman, Perry, Schaffer, Schlichter, Smith, G., Stewart, D., Stewart, J., Willamowski, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Representative Blasdel moved that House Rule 66, pertaining to bills being placed on the calendar, be suspended and that **Sub. H. B. No. 9**-Representative Oelslager, et al. be taken up for immediate consideration the third time.

The motion was agreed to without objection.

**Sub. H. B. No. 9**-Representatives Oelslager, Flowers, Buehrer, White, Trakas.

To amend sections 121.22, 149.011, 149.31, 149.38, 149.39, 149.41, 149.42, 149.43, 3319.321, and 4701.19 and to enact sections 109.43, 149.411, 149.412, 2743.31, 2743.32, 2743.33, and 2743.34 of the Revised Code to revise the Public Records Law, to create the office of Public Access Counselor in the Court of Claims, to create a library records commission in each public library and a special taxing district records commission in each special taxing district, to revise the records commissions laws, and to eliminate the provision that certain records made by a public accountant incident to an audit of a public office or private entity are not public records, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Brinkman moved to amend as follows:

In line \_\_\_\_, after " \_\_\_\_\_ " insert "2923.129, 2923.1210,"

Between lines \_\_\_\_ and \_\_\_\_, insert:

"**Sec. 2923.129.** (A)(1) If a sheriff, the superintendent of the bureau of criminal identification and investigation, the employees of the bureau, the Ohio peace officer training commission, or the employees of the commission make a good faith effort in performing the duties imposed upon the sheriff, the superintendent, the bureau's employees, the commission, or the commission's employees by sections 109.731, 311.41, and 2923.124 to 2923.1213 of the Revised Code, in addition to the personal immunity provided by section 9.86 of the Revised Code or division (A)(6) of section 2744.03 of the Revised Code and the governmental immunity of sections 2744.02 and 2744.03 of the Revised Code and in addition to any other immunity possessed by the bureau, the commission, and their employees, the sheriff, the sheriff's office, the county in

which the sheriff has jurisdiction, the bureau, the superintendent of the bureau, the bureau's employees, the commission, and the commission's employees are immune from liability in a civil action for injury, death, or loss to person or property that allegedly was caused by or related to any of the following:

(a) The issuance, renewal, suspension, or revocation of a license to carry a concealed handgun or the issuance, suspension, or revocation of a temporary emergency license to carry a concealed handgun;

(b) The failure to issue, renew, suspend, or revoke a license to carry a concealed handgun or the failure to issue, suspend, or revoke a temporary emergency license to carry a concealed handgun;

(c) Any action or misconduct with a handgun committed by a licensee.

(2) Any action of a sheriff relating to the issuance, renewal, suspension, or revocation of a license to carry a concealed handgun or the issuance, suspension, or revocation of a temporary emergency license to carry a concealed handgun shall be considered to be a governmental function for purposes of Chapter 2744. of the Revised Code.

(3) An entity that or instructor who provides a competency certification of a type described in division (B)(3) of section 2923.125 of the Revised Code is immune from civil liability that might otherwise be incurred or imposed for any death or any injury or loss to person or property that is caused by or related to a person to whom the entity or instructor has issued the competency certificate if all of the following apply:

(a) The alleged liability of the entity or instructor relates to the training provided in the course, class, or program covered by the competency certificate.

(b) The entity or instructor makes a good faith effort in determining whether the person has satisfactorily completed the course, class, or program and makes a good faith effort in assessing the person in the competency examination conducted pursuant to division (G)(2) of section 2923.125 of the Revised Code.

(c) The entity or instructor did not issue the competency certificate with malicious purpose, in bad faith, or in a wanton or reckless manner.

(4) An entity that or instructor who provides a renewed competency certification of a type described in division (G)(4) of section 2923.125 of the Revised Code is immune from civil liability that might otherwise be incurred or imposed for any death or any injury or loss to person or property that is caused by or related to a person to whom the entity or instructor has issued the renewed competency certificate if all of the following apply:

(a) The entity or instructor makes a good faith effort in assessing the person in the competency examination conducted pursuant to division (G)(2) of section 2923.125 of the Revised Code.

(b) The entity or instructor did not issue the renewed competency certificate with malicious purpose, in bad faith, or in a wanton or reckless

manner.

(5) A law enforcement agency that employs a peace officer is immune from liability in a civil action to recover damages for injury, death, or loss to person or property allegedly caused by any act of that peace officer if the act occurred while the peace officer carried a concealed handgun and was off duty and if the act allegedly involved the peace officer's use of the concealed handgun. Sections 9.86 and 9.87, and Chapter 2744., of the Revised Code apply to any civil action involving a peace officer's use of a concealed handgun in the performance of the peace officer's official duties while the peace officer is off duty.

(B)(1) Notwithstanding section 149.43 of the Revised Code, except as provided in division (B)(2) of this section, the records that a sheriff keeps relative to the issuance, renewal, suspension, or revocation of a license to carry a concealed handgun or the issuance, suspension, or revocation of a temporary emergency license to carry a concealed handgun, including, but not limited to, completed applications for the issuance or renewal of a license, completed affidavits submitted regarding an application for a temporary emergency license, reports of criminal records checks and incompetency records checks under section 311.41 of the Revised Code, and applicants' social security numbers and fingerprints that are obtained under division (A) of section 311.41 of the Revised Code, are confidential and are not public records. Except as provided in division (B)(2) of this section, no person shall release or otherwise disseminate records that are confidential under this division unless required to do so pursuant to a court order.

(2)(a) Upon a written request made to a sheriff and signed by a journalist on or after ~~the effective date of this section~~ April 8, 2004, except as provided in division (B)(2)(b) of this section, the sheriff shall disclose to the journalist the name, county of residence, and date of birth of each person to whom the sheriff has issued a license or replacement license to carry a concealed handgun, renewed a license to carry a concealed handgun, or issued a temporary emergency license or replacement temporary emergency license to carry a concealed handgun under section 2923.125 or 2923.1213 of the Revised Code. The request shall include the journalist's name and title, shall include the name and address of the journalist's employer, and shall state that disclosure of the information sought would be in the public interest.

(b) A sheriff who otherwise is required pursuant to division (B)(2)(a) of this section to disclose to a journalist the name, county of residence, and date of birth of persons to whom the sheriff has issued a valid license, replacement license, temporary emergency license, or replacement temporary emergency license to carry a concealed handgun shall not disclose that information to a journalist if the person with a valid license to carry a concealed handgun has either notified the sheriff, in writing, that the person does not want the person's name, county of residence, and date of birth disclosed to a journalist or has indicated on the person's application for a license or for renewal of a license that

the person does not want the person's information disclosed to a journalist.

(c) As used in division (B)(2) of this section, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.

(C) Each sheriff shall report to the Ohio peace officer training commission the number of licenses to carry a concealed handgun that the sheriff issued, renewed, suspended, revoked, or denied during the previous quarter of the calendar year, the number of applications for those licenses for which processing was suspended in accordance with division (D)(3) of section 2923.125 of the Revised Code during the previous quarter of the calendar year, and the number of temporary emergency licenses to carry a concealed handgun that the sheriff issued, suspended, revoked, or denied during the previous quarter of the calendar year. The sheriff shall not include in the report the name or any other identifying information of an applicant or licensee. The sheriff shall report that information in a manner that permits the commission to maintain the statistics described in division (D) of section 109.731 of the Revised Code and to timely prepare the statistical report described in that division. The information that is received by the commission under this division is a public record kept by the commission for the purposes of section 149.43 of the Revised Code.

(D) Law enforcement agencies may use the information a sheriff makes available through the use of the law enforcement automated data system pursuant to division (H) of section 2923.125 or division (B)(2) or (D) of section 2923.1213 of the Revised Code for law enforcement purposes only. The information is confidential and is not a public record. A person who releases or otherwise disseminates this information obtained through the law enforcement automated data system in a manner not described in this division is guilty of a violation of section 2913.04 of the Revised Code.

(E) Whoever violates division (B) of this section is guilty of illegal release of confidential concealed handgun license records, a felony of the fifth degree. In addition to any penalties imposed under Chapter 2929. of the Revised Code for a violation of division (B) of this section or a violation of section 2913.04 of the Revised Code described in division (D) of this section, if the offender is a sheriff, an employee of a sheriff, or any other public officer or employee, and if the violation was willful and deliberate, the offender shall be subject to a civil fine of one thousand dollars. Any person who is harmed by a violation of division (B) or (C) of this section or a violation of section 2913.04 of the Revised Code described in division (D) of this section has a private cause of action against the offender for any injury, death, or loss to person or property that is a proximate result of the violation and may recover court costs and attorney's fees related to the action.

**Sec. 2923.1210.** The application for a license to carry a concealed

handgun or for the renewal of a license of that nature that is to be used under section 2923.125 of the Revised Code shall conform substantially to the following form and shall contain a provision that allows an applicant to opt out of release of the applicant's name, county of residence, and date of birth to a journalist:

"Ohio Peace Officer Training Commission APPLICATION FOR A LICENSE TO CARRY A CONCEALED HANDGUN Please Type or Print in Ink

SECTION I.

This application will not be processed unless all applicable questions have been answered and until all required supporting documents as described in division (B) or (F) of section 2923.125 of the Ohio Revised Code and, unless waived, a cashier's check, certified check, or money order in the amount of the applicable license fee or license renewal fee have been submitted. FEES ARE NONREFUNDABLE.

SECTION II.

Name:

Last First Middle
.....

Social Security Number:.....

Current Residence:

Street City State County Zip
.....

Mailing Address (If Different From Above):

Street City State Zip
.....

Date of Birth Place of Birth Sex Race Residence Telephone
...../...../..... (.....).....

SECTION III. THE FOLLOWING QUESTIONS ARE TO BE ANSWERED YES OR NO

- (1) Have you been a resident of Ohio for at least forty-five days and have you been a resident for thirty days of the county with whose sheriff you are filing this application or of a county adjacent to that county? .... YES .... NO
(2) Are you at least twenty-one years of age? .... YES .... NO
(3) Are you a fugitive from justice? .... YES .... NO
(4) Are you under indictment for a felony, have you ever been convicted of or pleaded guilty to a felony, or have you ever been adjudicated a delinquent child for committing an act that would be a felony if committed by an adult? .... YES .... NO
(5) Are you under indictment for or otherwise charged with, or have you ever been convicted of or pleaded guilty to, an offense under Chapter 2925., 3719., or

4729. of the Ohio Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse, or have you ever been adjudicated a delinquent child for committing an act that would be an offense of that nature if committed by an adult?

(6) Are you under indictment for or otherwise charged .... YES .... NO with, or have you been convicted of or pleaded guilty to within three years of the date of this application, a misdemeanor that is an offense of violence or the offense of possessing a revoked or suspended concealed handgun license, or have you been adjudicated a delinquent child within three years of the date of this application for committing an act that would be a misdemeanor of that nature if committed by an adult?

(7) Are you under indictment for or otherwise charged .... YES .... NO with, or have you been convicted of or pleaded guilty to within ten years of the date of this application, resisting arrest, or have you been adjudicated a delinquent child for committing, within ten years of the date of this application an act that if committed by an adult would be the offense of resisting arrest?

(8)(a) Are you under indictment for or otherwise charged.... YES .... NO with assault or negligent assault?

(b) Have you been convicted of, pleaded guilty to, or adjudicated a delinquent child two or more times for committing assault or negligent assault within five years of the date of this application? .... YES .... NO

(c) Have you ever been convicted of, pleaded guilty to, or adjudicated a delinquent child for assaulting a peace officer? .... YES .... NO

(9)(a) Have you ever been adjudicated as a mental defective? .... YES .... NO

(b) Have you ever been committed to a mental institution? .... YES .... NO

(10) Are you currently subject to a civil protection order, a temporary protection order, or a protection order issued by a court of another state? .... YES .... NO

**SECTION IV. YOU MUST COMPLETE THIS SECTION OF THE APPLICATION BY PROVIDING, TO THE BEST OF YOUR KNOWLEDGE, THE ADDRESS OF EACH PLACE OF RESIDENCE AT WHICH YOU RESIDED AT ANY TIME AFTER YOU ATTAINED EIGHTEEN YEARS OF AGE AND UNTIL YOU COMMENCED YOUR RESIDENCE AT THE LOCATION IDENTIFIED IN SECTION II OF THIS FORM, AND THE DATES OF RESIDENCE AT EACH OF THOSE ADDRESSES. IF YOU NEED MORE SPACE, COMPLETE AN ADDITIONAL SHEET WITH THE**

~~relevant~~ **RELEVANT** INFORMATION, ATTACH IT TO THE APPLICATION, AND NOTE THE ATTACHMENT AT THE END OF THIS SECTION.

Residence 1:

Street	City	State	County	Zip
.....	.....	.....	.....	.....
Dates of residence at this address			.....	

Residence 2:

Street	City	State	County	Zip
.....	.....	.....	.....	.....
Dates of residence at this address			.....	

Residence 3:

Street	City	State	County	Zip
.....	.....	.....	.....	.....
Dates of residence at this address			.....	

Residence 4:

Street	City	State	County	Zip
.....	.....	.....	.....	.....
Dates of residence at this address			.....	

SECTION V.

AN APPLICANT WHO KNOWINGLY GIVES A FALSE ANSWER TO ANY QUESTION OR SUBMITS FALSE INFORMATION ON, OR A FALSE DOCUMENT WITH THE APPLICATION MAY BE PROSECUTED FOR FALSIFICATION TO OBTAIN A CONCEALED HANDGUN LICENSE, A FELONY OF THE FOURTH DEGREE, IN VIOLATION OF SECTION 2921.13 OF THE OHIO REVISED CODE.

- (1) I have been furnished, and have read, the pamphlet that explains the Ohio firearms laws, that provides instruction in dispute resolution and explains the Ohio laws related to that matter, and that provides information regarding all aspects of the use of deadly force with a firearm, and I am knowledgeable of the provisions of those laws and of the information on those matters.
- (2) I desire a legal means to carry a concealed handgun for defense of myself or a member of my family while engaged in lawful activity.
- (3) I have never been convicted of or pleaded guilty to a crime of violence in the state of Ohio or elsewhere. I am of sound mind. I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief. I understand that if I knowingly make any false statements herein I am subject to penalties prescribed by law. I authorize the sheriff or the sheriff's designee to inspect only those records or documents relevant to information required for this application.
- (4) The information contained in this application and all attached documents are true and correct to the best of my knowledge.



.....  
Signature of Applicant""

In line \_\_\_\_, after " \_\_\_\_\_ " insert "2923.129, 2923.1210,"

In line \_\_\_\_ of the title, after " \_\_\_\_\_ " insert "2923.129,  
2923.1210,"

In line \_\_\_\_ of the title, after " \_\_\_\_\_ " insert ", to allow a concealed  
carry licensee to prohibit the disclosure of the licensee's information to a  
journalist"

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

Representative Oelslager moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 39, nays 54, as follows:

Those who voted in the affirmative were: Representatives

Beatty	Bocchieri	Brown	Chandler
Combs	DeBose	DeGeeter	DeWine
Dolan	Evans C.	Evans D.	Fende
Flowers	Hughes	Key	Kilbane
Koziura	Latta	Martin	McGregor J.
McGregor R.	Oelslager	Patton T.	Reed
Setzer	Skindell	Smith G.	Smith S.
Stewart D.	Strahorn	Sykes	Trakas
Ujvagi	Wagoner	White	Williams
Wolpert	Yuko		Husted-39.

Those who voted in the negative were: Representatives

Aslanides	Blasdel	Blessing	Book
Brinkman	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Coley
Collier	Core	Daniels	Distel
Domenick	Driehaus	Faber	Fessler
Garrison	Gilb	Hagan	Hartnett
Harwood	Healy	Hood	Hoops
Law	Mason	Mitchell	Otterman
Perry	Peterson	Raga	Rausen
Redfern	Reidelbach	Reinhard	Sayre
Schaffer	Schlichter	Schneider	Seitz
Stewart J.	Taylor	Uecker	Wagner
Webster	Widener	Widowfield	Willamowski
Woodard			Yates-54.

The motion to amend was not laid on the table.

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

The yeas and nays were taken and resulted - yeas 51, nays 43, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Blessing	Brinkman
Bubp	Buehrer	Calvert	Carmichael
Cassell	Coley	Collier	Core
Daniels	Distel	Domenick	Driehaus
Evans D.	Faber	Fende	Fessler
Garrison	Gilb	Hagan	Hartnett
Harwood	Healy	Hood	Hoops
Latta	Law	Perry	Peterson
Raga	Raussen	Redfern	Reidelbach
Reinhard	Sayre	Schaffer	Schlichter
Schneider	Seitz	Stewart J.	Taylor
Uecker	Wagner	Webster	Widener
Widowfield	Willamowski		Yuko-51.

Those who voted in the negative were: Representatives

Beatty	Boccieri	Book	Brown
Carano	Chandler	Combs	DeBose
DeGeeter	DeWine	Dolan	Evans C.
Flowers	Hughes	Key	Kilbane
Koziura	Martin	Mason	McGregor J.
McGregor R.	Mitchell	Oelslager	Otterman
Patton S.	Patton T.	Reed	Setzer
Skindell	Smith G.	Smith S.	Stewart D.
Strahorn	Sykes	Trakas	Ujvagi
Wagoner	White	Williams	Wolpert
Woodard	Yates		Husted-43.

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 93, nays 1, as follows:

Those who voted in the affirmative were: Representatives

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

Ujvagi	Wagoner	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Woodard	Yates	Yuko
			Husted-93.

Representative Wagner voted in the negative-1.

The bill passed.

Representative Oelslager moved to amend the title as follows:

Add the names: "Aslanides, Beatty, Blessing, Book, Carano, Cassell, Chandler, Collier, DeBose, Domenick, Evans, C., Evans, D., Fende, Fessler, Garrison, Hagan, Hartnett, Harwood, Healy, Key, Law, Mason, McGregor, R., Otterman, Patton, T., Peterson, Redfern, Reidelbach, Sayre, Schneider, Seitz, Setzer, Skindell, Willamowski, Williams, Woodard, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has passed the following bill in which the concurrence of the House is requested:

**Sub. S. B. No. 213** - Senators Clancy, Hagan, Fedor, Miller, R., Mumper, Padgett, Prentiss, Roberts, Zurz, Spada, Armbruster

To amend section 5122.10 of the Revised Code to permit a licensed professional clinical counselor to take certain persons into custody and transport those persons to a hospital.

Attest:

David A. Battocletti,  
Clerk.

#### MESSAGE FROM THE SPEAKER

Pursuant to section 206.66.53 of Am. Sub. H.B. No. 66, 126th General Assembly, the Speaker hereby appoints Representative J. Stewart as a non-voting member to the Ohio Medicaid Administrative Study Council.

## MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on March 15, 2006, signed the following:

**Sub. H. B. No. 287** - Representative Aslanides - et al.

On motion of Representative Blasdel, the House adjourned until Thursday, March 16, 2006 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.