

OHIO

House

of

Representatives

JOURNAL

THURSDAY, MAY 11, 2006

ONE HUNDRED SEVENTY-FOURTH DAY
Hall of the House of Representatives, Columbus, Ohio
Thursday, May 11, 2006 at 11:00 o'clock a.m.

The House met pursuant to adjournment.

Pursuant to House Rule No. 23, the Clerk called the House to order.

Representative Wagner was selected to preside under the Rule.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 586-Representatives Law, McGregor, J., Collier, Latta, Setzer, Carano, Brown, Yuko, Gibbs, Cassell, Faber, Bulp, Allen, Chandler.

To amend sections 955.011, 955.16, and 955.43 of the Revised Code to make changes to the law regarding dogs that serve as seizure assistance, seizure response, or seizure alert dogs for persons with a seizure disorder.

H. B. No. 587-Representatives Stewart, D., Skindell, Woodard, Yuko, Redfern, Yates.

To enact section 2907.291 of the Revised Code to guarantee to persons alleged to be victims of rape, sexual battery, or unlawful sexual conduct with a minor information regarding, and access to, emergency contraception in hospital emergency departments.

H. B. No. 588-Representatives Yates, Skindell, Yuko, Stewart, D., Patton, S., DeBose, Woodard, Beatty, Allen, Redfern, Ujvagi.

To amend sections 3313.6011, 4729.16, and 4731.22; to enact sections 1751.661, 3701.047, 3701.135, 3923.602, 3923.611, 4729.45, 4729.451, 4729.452, and 4729.453; to repeal section 3701.046 of the Revised Code; to amend Section 206.42.03 of Am. Sub. H.B. 66 of the 126th General Assembly; to amend Section 206.42.09 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; and to repeal Section 206.42.06 of Am. Sub. H.B. 66 of the 126th General Assembly regarding assistance for pregnancy prevention.

Said bills were considered the first time.

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

Representative Stewart, D. submitted the following report:

The standing committee on Elections and Ethics to which was referred **H. B. No. 312**-Representative C. Evans, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: RE: HANDICAPPED PARKING AT POLLING PLACES

Representative Hughes moved to amend the title as follows:

Add the names: "Stewart, D., Law, Uecker, Hughes, DeWine, Wolpert, Brown, Sayre, Driehaus, White."

In line 86, delete "After the time for the closing of the polls on" and insert "Before"

In line 88, after "place" insert "that will be"

In line 91, delete "with the results of the"

Delete line 92

In line 93, delete "Revised Code"

In line 5 of the title, delete "after" and insert "before"

The motion was agreed to and the bill so amended.

RANDY LAW	STEVE L. DRIEHAUS
JOSEPH W. UECKER	JOHN J. WHITE
JIM HUGHES	JAMES PETER TRAKAS
KEVIN DEWINE	LARRY L. WOLPERT
DAN STEWART	ANNIE L. KEY
EDNA BROWN	ALLAN R. SAYRE

The report was agreed to.

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

Representative Smith, S. submitted the following report:

The standing committee on Health to which was referred **H. B. No. 524**-Representative Martin, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: PHARMACISTS - MODIFY IMMUNIZATIONS AUTHORITY

Representative White moved to amend the title as follows:

Add the name: "Reidelbach."

JAMES M. HOOPS	JOHN J. WHITE
EARL MARTIN	ROBERT J. OTTERMAN

SHIRLEY A. SMITH	ROSS MCGREGOR
CATHERINE L. BARRETT	EDNA BROWN
LANCE T. MASON	JOHN WIDOWFIELD
JON M. PETERSON	COURTNEY COMBS
SHAWN N. WEBSTER	LINDA S. REIDELBACH
LARRY L. FLOWERS	KEITH L. FABER
CHRIS REDFERN	MICHAEL DEBOSE
MICHELLE G. SCHNEIDER	JAMES T. RAUSSEN
SANDRA STABILE HARWOOD	

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 be considered for the second time and referred to the following committees for consideration:

H.B. No. 577 - Representative G. Smith

TO EXEMPT FROM THE PERSONAL INCOME TAX ANY UNEARNED INCOME OF AN INDIVIDUAL WHO IS AGE SIXTY-FIVE OR OLDER.

To the committee on Ways and Means

H.B. No. 578 - Representative T. Patton

TO AUTHORIZE AN INCOME TAX DEDUCTION FOR RETIREMENT INCOME OF UP TO \$25,000 FOR INDIVIDUAL FILERS AND \$35,000 FOR JOINT FILERS.

To the committee on Ways and Means

H.B. No. 579 - Representative Coley, et al

TO ADD ONE ADDITIONAL JUDGE TO THE TWELFTH DISTRICT COURT OF APPEALS TO BE ELECTED AT THE 2008 GENERAL ELECTION.

To the committee on Judiciary

H.B. No. 580 - Representative White

REGARDING THE CHILDREN'S TRUST FUND BOARD.

To the committee State Government

H.B. No. 581 - Representative D. Stewart, et al

TO ESTABLISH REQUIREMENTS GOVERNING STATE PRIVATIZATION CONTRACTS.

To the committee on State Government

H.B. No. 582 - Representative D. Stewart, et al

TO REQUIRE CERTAIN SICKNESS AND ACCIDENT INSURANCE POLICIES, PUBLIC EMPLOYEE BENEFIT PLANS, AND HEALTH INSURING CORPORATION POLICIES, CONTRACTS, AND AGREEMENTS TO PROVIDE COVERAGE FOR PRESCRIPTION CONTRACEPTIVE DRUGS AND DEVICES AND OUTPATIENT

SERVICES RELATED TO THE PROVISION OF SUCH DRUGS AND DEVICES.

To the committee on Insurance

H.B. No. 583 - Representative Peterson, et al

TO PROHIBIT THE PURCHASE OF MERCURY OR MERCURY-ADDED MEASURING DEVICES BY SCHOOLS, TO PROHIBIT THE SALE AND DISTRIBUTION OF MERCURY-CONTAINING THERMOMETERS, MERCURY-ADDED NOVELTIES, AND MERCURY-CONTAINING THERMOSTATS, TO ESTABLISH CERTAIN EXCEPTIONS FROM THE PROHIBITIONS, AND TO ESTABLISH OTHER REQUIREMENTS CONCERNING MERCURY AND CERTAIN MERCURY-CONTAINING PRODUCTS.

To the committee Economic Development and Environment

JON A. HUSTED	CHARLES R. BLASDEL
CHARLES E. CALVERT	JIM CARMICHAEL
ANTHONY CORE	KEVIN DEWINE
LARRY L. FLOWERS	TOM RAGA
JOHN SCHLICHTER	ARLENE J. SETZER
GEOFFREY C. SMITH	LARRY L. WOLPERT
JOYCE BEATTY	KENNETH A. CARANO
TIMOTHY J. DEGEETER	WILLIAM J. HEALY
JOSEPH KOZIURA	ROBERT J. OTTERMAN

Representative Bulp 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 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 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 Resolution be read by title only and approved:

H.R. No. 207 - Representative Schlichter

HONORING THE WESTFALL MIDDLE SCHOOL FUTURE PROBLEM SOLVING TEAM AS THE 2006 STATE CHAMPION.

/s/ JON A. HUSTED
Jon A. Husted, Chair

Representative Bulp moved that the Rules and Reference Committee

Report on resolutions be agreed to and that the resolution contained therein be approved.

The motion 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 bills in which the concurrence of the House is requested:

Sub. S. B. No. 321 - Senators Carey, Niehaus, Stivers, Roberts, Clancy, Austria, Fingerhut, Goodman, Harris, Hottinger, Spada, Padgett, Fedor, Mumper

To amend sections 183.04, 183.05, 183.30, 3702.72, 3702.73, 3702.81, 3702.89, and 3702.92 of the Revised Code, to amend Section 312.27 of Am. Sub. H.B. 66 of the 126th General Assembly, and to amend Section 203.09 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended, to provide for the distribution of money received by the state pursuant to the Tobacco Master Settlement Agreement by making appropriations for the biennium beginning July 1, 2006, and ending June 30, 2008, and to provide authorization and conditions for the operation of state programs.

Sub. S. B. No. 164 - Senators Schuring, Gardner, Stivers, Schuler, Spada, Zurz, Brady, Fedor, Cates, Padgett, Austria, Clancy, Fingerhut, Grendell, Harris, Kearney, Niehaus, Wilson, Miller, D., Amstutz, Dann, Prentiss, Miller, R., Hagan, Goodman

To amend sections 3313.64 and 3314.03 and to enact sections 3313.718 and 3314.141 of the Revised Code with respect to use of epinephrine medication in school districts, community schools, and chartered nonpublic schools.

Attest:

David A. Battocletti,
Clerk.

Said bills were considered the first time.

Message from the Senate

Mr. Speaker:

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. 294 - Representatives Kilbane, Miller, Seitz, Trakas, Latta,

Wolpert, Evans, C., Reidelbach, Faber, Cassell, Kearns, Brown, Carano, Hartnett, Bocchieri, Perry, Healy, Buehrer, Mason, Willamowski, Oelslager, Allen, Barrett, Collier, DeGeeter, Dolan, Domenick, Gibbs, Harwood, Hughes, Koziura, Law, McGregor, J., Patton, T., Peterson, Sayre, Setzer, Smith, G., Stewart, D., Taylor, White, Yuko Senators Spada, Roberts, Schuler, Grendell, Harris, Kearney, Miller, D., Schuring, Zurz

To amend sections 5715.19, 5721.01, 5721.03, 5721.06, 5739.03, 5739.033, 5739.24, and 5741.02 and to enact sections 323.65, 323.66, 323.67, 323.68, 323.69, 323.70, 323.71, 323.72, 323.73, 323.74, 323.75, 323.76, 323.77, 323.78, 5323.01, 5323.02, 5323.03, 5323.04, and 5323.99 of the Revised Code to reduce the time period for designating delinquent vacant lands subject to judicial foreclosure, to provide an expedited foreclosure procedure for unoccupied lands that have delinquent tax charges, to establish an appeal procedure for filing complaints against "rollback" exemption determinations, to extend, under certain circumstances, the date by which vendors with a certain level of limited Ohio sales must begin destination-based sourcing under the sales tax law, and to require a residential rental property owner to file with the county auditor certain information about the owner and the property.

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 has concurred in the passage of the following bill:

Am. Sub. H. B. No. 301 - Representatives Seitz, Fessler, Combs, Wagoner, Coley, Trakas, Reidelbach, Gilb, White, Schneider, Willamowski, Allen, Aslanides, Barrett, Book, Carano, Cassell, Collier, Core, DeGeeter, Domenick, Evans, C., Fende, Flowers, Garrison, Gibbs, Harwood, Healy, Hughes, Key, McGregor, J., McGregor, R., Miller, Mitchell, Oelslager, Otterman, Patton, T., Sayre, Seaver, Webster, Yuko, Beatty, Mason Senators Goodman, Miller, D., Padgett, Roberts, Stivers, Zurz, Kearney, Fedor

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.

With the following additional amendments, in which the concurrence of the House is requested:

In line 152, after "1701.81," insert "division (E) of section 1701.811"; after "1705.38," insert "division (E) of section 1705.381."

In line 153, strike through "or" and insert "division (E) of section 1775.55."

In line 154, after "1782.433" insert ", or division (E) of section 1782.4310"

In line 2328, after "(1)" delete the balance of the line

In line 2329, delete "in division (E) of this section" and insert "The authority of a domestic corporation has not been limited as described in section 1701.88 or 1701.91 of the Revised Code"

In line 2335, after "(2)" delete the balance of the line

In line 2336, delete "state" and insert "The license authorizing a foreign corporation to transact business in this state has not expired, been cancelled, or been surrendered"

In line 3300, after "time" insert "of the act, omission, event, or transaction to which"

Delete lines 5382 and 5383

In line 5384, delete "partner was a partner is a present liability" and insert "Liabilities of the converting partnership, for purposes of division (B) of this section, include any amount payable pursuant to section 1775.50 of the Revised Code to a partner"

In line 5972, delete everything after the underlined period

Delete lines 5973 and 5974

In line 5975, delete "converted" and insert "Liabilities of the converting limited partnership, for purposes of division (B) of this section, include any amount payable pursuant to section 1782.435 of the Revised Code to a partner of the converting"

Attest:

David A. Battocletti,
Clerk.

The Senate amendments were laid over under the Rule.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on May 10, 2006, signed the following:

Sub. H. B. No. 245 - Representative Reinhard - et al.

Sub. H. B. No. 279 - Representative Hughes - et al.

Am. Sub. H. B. No. 385 - Representative Brinkman - et al.

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

On motion of Representative Bubp, the House adjourned until Tuesday, May 16, 2006 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.