# OHIO House of Representatives JOURNAL

CORRECTED VERSION WEDNESDAY, JANUARY 9, 2008

# ONE HUNDRED TWENTY-FIFTH DAY Hall of the House of Representatives, Columbus, Ohio Wednesday, January 9, 2008, 1:30 p.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Doyle Jackson of The Church Next Door in Columbus, 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:

Allie White received H. R. No. 103, presented by Representative Stebelton-5th district.

Students from the Kidron Central Christian School, guests of Representative Carmichael-3rd district.

Jack Greathouse, Tim and Kathy White, guests of Representative Stebelton-5th district.

Barbara Sears, a guest of Representative Wagoner-46th district.

Carey Santiana, a guest of Representative Distel-99th district.

### INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 427-Representatives Webster, Letson.

Cosponsors: Representatives Stebelton, Harwood, Evans, McGregor, J., Hagan, R.

To amend sections 4757.01, 4757.04, 4757.21, 4757.26, 4757.30, and 4757.36 of the Revised Code regarding the practice of marriage and family therapy and the membership of the professional standards committees of the Counselor, Social Worker, and Marriage and Family Therapist Board.

### H. B. No. 428-Representative Setzer.

To amend sections 2953.33, 3313.31, 3314.03, 3319.01, 3319.20, 3319.302, 3319.304, 3319.31, 3319.311, 3319.313, 3319.314, 3319.52, 3326.11, 5126.253, and 5126.254 and to enact sections 109.66, 3314.101, 3314.40, 3314.401, 3314.402, 3319.292, 3319.316, 3319.40, 3326.081, 3326.24, 3326.241, and 3326.242 of the Revised Code regarding the reporting of and discipline for school employee misconduct.

Said bills were considered the first time.

### MOTIONS AND RESOLUTIONS

Representative Schneider moved that majority party members asking leave to be absent or absent the week of Wednesday, January 9, 2008, 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 Wednesday, January 9, 2008, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

Representative DeWine moved that the following resolution be brought up for immediate adoption, read by title only, 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. 116-Speaker Husted.

Relative to the election of the minority whip and the assistant minority whip for the 127th General Assembly of Ohio.

WHEREAS, Steve Driehaus of the 31st House District has resigned as minority whip of the House of Representatives of the 127th General Assembly effective December 31, 2007, thus creating a vacancy in the position of minority whip of the House of Representatives; and

WHEREAS, The members of the House of Representatives of the 127th General Assembly of Ohio have been advised that the caucus of Democrat members have chosen Fred Strahorn of House District #40 as minority whip and Mike Foley of House District #14 as assistant minority whip; therefore be it

RESOLVED, By the members of the House of Representatives of the 127th General Assembly that Fred Strahorn be, and upon adoption of this resolution is, hereby elected to the office of minority whip; and that Mike Foley be, and upon adoption of this resolution is, hereby elected to the office of assistant minority whip.

The yeas and nays were taken and resulted - yeas 88, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Barrett
Batchelder	Beatty	Blessing	Bolon
Book	Boyd	Brady	Brinkman
Brown	Budish	Carmichael	Celeste
Chandler	Coley	Collier	Combs
Core	Daniels	DeGeeter	DeWine
Distel	Dodd	Dolan	Domenick

Driehaus Evans Fende Fessler Flowers Foley Garrison Gerberry Gibbs Goodwin Goval Hagan J. Hagan R. Harwood Heard Hite Hottinger Huffman Hughes Jones Koziura Letson Luckie Lundy Mallory McGregor J. McGregor R. Mecklenborg Miller Oelslager Okey Patton Peterson Raussen Redfern Reinhard Sayre Schindel Schlichter Schneider Setzer Skindell Stewart J. Strahorn Sykes Szollosi Uecker Ujvagi Wagner Wagoner Webster White Widener Widowfield Williams B. Williams S. Wolpert Yuko Zehringer Husted-88.

The resolution was adopted.

Representatives Strahorn and Foley proceeded to the bar of the House, 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.

### **BILLS FOR THIRD CONSIDERATION**

Sub. H. B. No. 332-Representative Wagoner.

Cosponsors: Representatives Combs, Webster, Seitz, Yates, Latta, McGregor, J., Hite, Stebelton, Oelslager, Coley, Hughes.

To amend sections 111.16, 1329.01, 1329.04, and 2329.66 and to enact sections 1775.66, 1776.01 to 1776.08, 1776.10 to 1776.12, 1776.21 to 1776.24, 1776.31 to 1776.38, 1776.41 to 1776.58, 1776.61 to 1776.79, 1776.81 to 1776.89, 1776.91, 1776.92, 1776.95, 1776.96, 1777.07, 1779.12, 1782.64, and 2307.30 of the Revised Code to adopt the Revised Uniform Partnership Act to be known as the "Ohio Uniform Partnership Act (1997)," to establish that on and after January 1, 2009, the act governs new partnerships and partnerships that elect to be governed by the act, to establish that effective January 1, 2010, the act governs all partnerships in Ohio, and to establish that effective January 1, 2010, the existing Ohio Partnership Law no longer governs partnerships, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 90, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams Aslanides Bacon Barrett
Batchelder Beatty Blessing Bolon

Book Boyd Brady Brinkman Carmichael Brown Budish Celeste Chandler Colev Collier Combs Core Daniels DeBose DeGeeter DeWine Distel Dodd Dolan Domenick Driehaus Evans Fende Fessler Flowers Foley Garrison Gerberry Gibbs Goodwin Goyal Hagan J. Hagan R. Harwood Heard Hite Hottinger Huffman Hughes Jones Koziura Letson Luckie Lundy Mallory McGregor J. McGregor R. Mecklenborg Miller Oelslager Okey Patton Peterson Raussen Redfern Reinhard Sayre Schindel Schlichter Schneider Setzer Skindell Stebelton Szollosi Stewart J. Strahorn Sykes Ujvagi Uecker Wagner Wagoner Webster White Widener Widowfield Williams B. Williams S. Wolpert Yuko Husted-90. Zehringer

The bill passed.

Representative Wagoner moved to amend the title as follows:

Add the names: "Bacon, Barrett, Batchelder, Beatty, Blessing, Bolon, Book, Boyd, Brown, Budish, Chandler, Collier, DeBose, Distel, Dolan, Domenick, Evans, Fende, Fessler, Flowers, Foley, Garrison, Gerberry, Gibbs, Harwood, Huffman, Koziura, Letson, Luckie, Lundy, Mallory, McGregor, R., Mecklenborg, Okey, Patton, Sayre, Schindel, Setzer, Sykes, Szollosi, Ujvagi, Wolpert, Yuko, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Representative DeWine moved that the House revert to the sixth order of business, being motions and resolutions.

The motion was agreed to.

### MOTIONS AND RESOLUTIONS

Representative DeWine moved that the following resolution be brought up for immediate adoption, read by title only, 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. 117-Speaker Husted.

Relative to the election of Randy Gardner to fill the vacancy in the membership of the House of Representatives created by the resignation of Robert E. Latta of the 6th House District.

WHEREAS, Section 11 of Article II, Ohio Constitution provides for the filling of a vacancy in the membership of the House of Representatives by election by the members of the House of Representatives who are affiliated with the same political party as the person last elected to the seat which has become vacant; and

WHEREAS, Robert E. Latta of the 6th House District has resigned as a member of the House of Representatives of the 127th General Assembly effective December 13, 2007, thus creating a vacancy in the House of Representatives; therefore be it

RESOLVED, By the members of the House of Representatives who are affiliated with the Republican party that Randy Gardner, Republican, having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the House of Representatives from the 6th House District, is hereby elected, effective January 9, 2008 pursuant to Section 11 of Article II, Ohio Constitution, as a member of the House of Representatives from the 6th House District, to fill the vacancy created by the unexpired portion of the term of said Robert E. Latta, ending on December 31, 2008; and be it further

RESOLVED, That a copy of this resolution be spread upon the pages of the Journal of the House of Representatives together with the yeas and nays of the members of the House of Representatives affiliated with the Republican party voting on the resolution, and that the Clerk of the House of Representatives shall certify the resolution and vote on its adoption to the Secretary of State.

The yeas and nays were taken and resulted - yeas 49, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Batchelder Adams Aslanides Bacon Blessing Brinkman Carmichael Colev Collier Core Daniels Combs DeWine Dolan Evans Fessler Flowers Gibbs Goodwin Hagan J. Hite Hottinger Huffman Hughes McGregor J. McGregor R. Mecklenborg Jones Oelslager Patton Peterson Raussen Reinhard Schindel Schlichter Schneider Setzer Stebelton Stewart J. Uecker Webster White Wagner Wagoner Widener Widowfield Wolpert Zehringer Husted-49.

The resolution was adopted.

Mr. Gardner was escorted to the bar of the House by Representatives DeWine, Flowers, Carmichael, Schenider, Jones, Redfern and Wagoner, 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 his duties.

State of Ohio County of Franklin

I, Randy Gardner, 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 Ohio House of Representatives, according to the best of my ability and understanding; and this I do as I shall answer unto God.

# /s/ RANDY GARDNER Randy Gardner

Sworn to and subscribed before me this 9th day of January, 2008.

/s/ JON A. HUSTED

Jon A. Husted

Speaker

Ohio House of Representatives

Representative DeWine moved that the following resolution be brought up for immediate adoption, read by title only, 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. 118-Representative Beatty.

Relative to the election of John Otterman to fill the vacancy in the membership of the House of Representatives created by the resignation of Robert J. Otterman of the 45th House District.

WHEREAS, Section 11 of Article II, Ohio Constitution provides for the filling of a vacancy in the membership of the House of Representatives by election by the members of the House of Representatives who are affiliated with the same political party as the person last elected to the seat which has become vacant: and

WHEREAS, Robert J. Otterman of the 45th House District has resigned as a member of the House of Representatives of the 127th General Assembly effective December 31, 2007, thus creating a vacancy in the House of Representatives; therefore be it

RESOLVED, By the members of the House of Representatives who are affiliated with the Democrat party that John Otterman, Democrat, having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the House of Representatives from the 45th House District, is hereby elected, effective January 9, 2008, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the House of Representatives from the 45th House District, to fill the vacancy created by the unexpired portion of the term of said Robert J. Otterman, ending on December 31, 2008; and be it further

RESOLVED, That a copy of this resolution be spread upon the pages of the Journal of the House of Representatives together with the yeas and nays of the members of the House of Representatives affiliated with the Democrat party voting on the resolution, and that the Clerk of the House of Representatives shall certify the resolution and vote on its adoption to the Secretary of State.

The yeas and nays were taken and resulted - yeas 41, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Beatty	Bolon	Book
Brady	Brown	Budish
Chandler	DeBose	DeGeeter
Dodd	Domenick	Driehaus
Foley	Garrison	Gerberry
Hagan R.	Harwood	Heard
Letson	Luckie	Lundy
Miller	Okey	Redfern
Skindell	Strahorn	Sykes
Ujvagi	Williams B.	Williams S.
		Yuko-41.
	Brady Chandler Dodd Foley Hagan R. Letson Miller Skindell	Brady Brown Chandler DeBose Dodd Domenick Foley Garrison Hagan R. Harwood Letson Luckie Miller Okey Skindell Strahorn

The resolution was adopted.

Mr. Otterman was escorted to the bar of the House by Representatives Bolon, Foley, Harwood, Heard, Sykes, Williams B., and Oelslager, 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 his duties.

State of Ohio County of Franklin

I, John Otterman, 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 Ohio House of Representatives, according to the best of my ability and understanding; and this I do as I shall answer unto God.

# /s/ JOHN OTTERMAN

John Otterman

Sworn to and subscribed before me this 9th day of January, 2008.

/s/ JON A. HUSTED

Jon A. Husted Speaker Ohio House of Representatives

Message from the Speaker

Pursuant to House Rules 13, 28, 30, the Speaker hereby makes the following changes to the Rules and Reference Committee:

Remove Representative Wolpert; appoint Representative Flowers.

On motion of Representative DeWine, the House adjourned until Thursday, January 10, 2008 at 11:00 o'clock a.m.

Attest: LAURA P. CLEMENS, Clerk.