

OHIO

House

of

Representatives

JOURNAL

TUESDAY, APRIL 1, 2008

ONE HUNDRED FIFTY-THIRD DAY
Hall of the House of Representatives, Columbus, Ohio
Tuesday, April 1, 2008, 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Representative Thom Collier-90th district, 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:

Ken Grotzky, Jim Newcomb, Duane and Betty Feher, Lisa Hawkins, Lauren Davis, Daniel Claypool, and Dale Distel, guests of Speaker Husted-37th district.

Students from Iowa Maple School, a guest of Representative Miller-10th district.

Derrick Strahorn, brother of Representative Strahorn-40th district.

Scott Hartman and students from Wayne General University, guests of Representative Gibbs-97th district.

INTRODUCTION OF BILLS

The following bill was introduced:

H. B. No. 521-Representatives Wolpert, Flowers.

Cosponsors: Representatives McGregor, J., DeWine, Hughes, Stebelton, Webster.

To create the Ohio Commission on Local Government Reform and Collaboration to develop recommendations on reforming and restructuring local government in Ohio.

Said bill was considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Am. Sub. H. B. No. 429**-Representative Gibbs, et al., were taken up for consideration.

Am. Sub. H. B. No. 429-Representative Gibbs.

Cosponsors: Representatives Schindel, Bolon, Foley, Hagan, J., Letson, Patton, Aslanides, Bacon, Batchelder, Blessing, Chandler, Collier, Combs, Domenick, Fessler, Flowers, Gardner, Hughes, McGregor, J., Raussen, Schneider, Setzer, Wachtmann, Webster. Senators Schuler, Amstutz, Spada,

Kearney, Buehrer, Coughlin, Harris, Miller, D., Mumper, Niehaus, Seitz, Wilson, Mason, Sawyer, Padgett, Wagoner, Cafaro.

To amend sections 5703.70, 5739.03, 5739.033, 5739.034, 5739.24, 5741.03, and 5741.05 and to enact section 5739.061 of the Revised Code and later to repeal sections 5739.035, 5739.123, 5739.24, and 5740.10 of the Revised Code to require vendors to utilize origin-based sourcing for intrastate sales beginning January 1, 2010, to discontinue compensation of impacted counties for sales tax losses incurred under destination-based sourcing, to compensate vendors required to convert from destination-based sourcing to origin-based sourcing, to permit a vendor, when making a refund, to retain the amount of the delivery charge and sales taxes attributable to the charge, and to declare an emergency.

The question being, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted - yeas 91, nays 3, as follows:

Those who voted in the affirmative were: Representatives

Adams	Bacon	Barrett	Beatty
Blessing	Bolon	Book	Boyd
Brady	Brown	Budish	Carmichael
Celeste	Chandler	Coley	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Dodd	Dolan
Domenick	Driehaus	Dyer	Evans
Fende	Fessler	Flowers	Foley
Gardner	Garrison	Gerberry	Gibbs
Goodwin	Goyal	Hagan J.	Hagan R.
Harwood	Heard	Hite	Hottinger
Huffman	Hughes	Jones	Letson
Luckie	Lundy	Mallory	McGregor J.
McGregor R.	Mecklenborg	Miller	Oelslager
Okey	Otterman J.	Patton	Peterson
Rausen	Reinhard	Sayre	Schindel
Schlichter	Schneider	Sears	Setzer
Skindell	Slesnick	Stebelton	Stewart D.
Stewart J.	Strahorn	Sykes	Szollosi
Uecker	Ujvagi	Wachtmann	Wagner
Webster	White	Widener	Widowfield
Williams B.	Williams S.	Wolpert	Yates
Yuko	Zehringer		Husted-91.

Representatives Batchelder, Brinkman, and Redfern voted in the negative-3.

Having received a constitutional majority, the emergency clause stood as part of the bill.

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

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

Those who voted in the affirmative were: Representatives

Adams	Bacon	Barrett	Batchelder
Beatty	Blessing	Bolon	Book
Boyd	Brady	Brinkman	Brown
Budish	Carmichael	Celeste	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Dodd	Dolan	Domenick	Driehaus
Dyer	Evans	Fende	Fessler
Flowers	Foley	Gardner	Garrison
Gerberry	Gibbs	Goodwin	Goyal
Hagan J.	Hagan R.	Harwood	Heard
Hite	Hottinger	Huffman	Hughes
Jones	Letson	Luckie	Lundy
Mallory	McGregor J.	McGregor R.	Mecklenborg
Miller	Oelslager	Okey	Otterman J.
Patton	Peterson	Raussen	Redfern
Reinhard	Sayre	Schindel	Schlichter
Schneider	Sears	Setzer	Skindell
Slesnick	Stebelton	Stewart D.	Stewart J.
Strahorn	Sykes	Szollosi	Uecker
Ujvagi	Wachtmann	Wagner	Webster
White	Widener	Widowfield	Williams B.
Williams S.	Wolpert	Yates	Yuko
Zehringer			Husted-94.

The Senate amendments were concurred in.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 84-Senator Schaffer.

Cosponsors: Senators Boccieri, Cates, Amstutz, Fedor, Harris, Mason, Padgett, Seitz, Schuler, Schuring, Spada, Wilson, Smith, Stivers, Faber, Gardner, Niehaus, Sawyer. Representatives Combs, McGregor, J., Flowers, Mallory, Chandler.

To amend sections 305.09, 305.10, 305.11, and 5502.31 of the Revised Code to allow boards of county commissioners to maintain meeting records by electronic means and to specify an additional type of Emergency Management Agency for which a political subdivision may make an appropriation, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Flowers moved to amend as follows:

In line 18, delete " division (A) of"

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 94, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams	Bacon	Barrett	Batchelder
Beatty	Blessing	Bolon	Book
Boyd	Brady	Brinkman	Brown
Budish	Carmichael	Celeste	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Dodd	Dolan	Domenick	Driehaus
Dyer	Evans	Fende	Fessler
Flowers	Foley	Gardner	Garrison
Gerberry	Gibbs	Goodwin	Goyal
Hagan J.	Hagan R.	Harwood	Heard
Hite	Hottinger	Huffman	Hughes
Jones	Letson	Luckie	Lundy
Mallory	McGregor J.	McGregor R.	Mecklenborg
Miller	Oelslager	Okey	Otterman J.
Patton	Peterson	Raussen	Redfern
Reinhard	Sayre	Schindel	Schlichter
Schneider	Sears	Setzer	Skindell
Slesnick	Stebelon	Stewart D.	Stewart J.
Strahorn	Sykes	Szolloosi	Uecker
Ujvagi	Wachtmann	Wagner	Webster
White	Widener	Widowfield	Williams B.
Williams S.	Wolpert	Yates	Yuko
Zehringer			Husted-94.

The bill passed.

Representative Flowers moved to amend the title as follows:

Add the names: "Adams, Blessing, Budish, DeBose, Domenick, Dyer, Evans, Hagan, R., Hughes, Patton, Schindel, Uecker."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 248-Representative Blessing.

To enact section 1349.55 of the Revised Code to set forth requirements governing non-recourse civil litigation advance contracts, 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

Adams	Bacon	Barrett	Batchelder
Beatty	Blessing	Bolon	Book
Boyd	Brady	Brinkman	Brown
Budish	Carmichael	Celeste	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Dodd	Dolan	Domenick	Driehaus
Dyer	Evans	Fende	Fessler
Flowers	Foley	Gardner	Garrison
Gerberry	Gibbs	Goodwin	Goyal
Hagan J.	Hagan R.	Harwood	Heard
Hite	Hottinger	Huffman	Hughes
Jones	Letson	Luckie	Lundy
Mallory	McGregor J.	McGregor R.	Mecklenborg
Miller	Oelsluger	Okey	Otterman J.
Patton	Peterson	Raussen	Redfern
Reinhard	Sayre	Schindel	Schlichter
Schneider	Sears	Setzer	Skindell
Slesnick	Stebelton	Stewart D.	Stewart J.
Strahorn	Sykes	Szollosi	Uecker
Ujvagi	Wachtmann	Wagner	Webster
White	Widener	Widowfield	Williams B.
Williams S.	Wolpert	Yates	Yuko
Zehringer			Husted-94.

The bill passed.

Representative Blessing moved to amend the title as follows:

Add the names: "Adams, Bacon, Boyd, Combs, Domenick, Dyer, Evans, Flowers, Hughes, Mallory, McGregor, J., Oelsluger, Patton, Webster."

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

Message from the Speaker

March 18, 2007

Speaker Jon Husted
Ohio House of Representatives

77 South High Street, 14th Floor
Columbus, Ohio 43215

Dear Speaker Husted:

It is with a heavy heart that I must inform you of my resignation as State Representative for the 99th district of Ohio effective March 31, 2008 at 11:59p.m.

It has been an honor and a privilege to serve the people of Ashtabula and Northern Trumbull Counties for the last nine years.

While I am sad to be leaving this legislative seat and so many wonderful people, I am excited to be able to continue public service in another capacity.

I wish everyone well and thank all of the members once again for helping make my tenure in the Ohio House a truly memorable experience.

Sincerely,

/s/ L. GEORGE DISTEL

L. George Distel
State Representative
99th House District

Message from the Speaker

April 1, 2008

The Honorable L. George Distel
Ohio House of Representatives
77 South High Street
Columbus, Ohio 43215-6111

Dear Representative Distel:

This is to acknowledge receipt and acceptance of your letter of resignation from the Ohio House of Representatives, effective March 31, 2008.

You have served your constituents and the State of Ohio well over the years and I am confident you will continue to do so in your new role as executive director of the Ohio Turnpike Commission.

Sincerely,

/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. 154-Representative Beatty.

Relative to the election of Deborah Newcomb to fill the vacancy in the membership of the House of Representatives created by the resignation of L. George Distel of the 99th 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, L. George Distel of the 99th House District has resigned as a member of the House of Representatives of the 127th General Assembly effective March 31, 2008, 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 Deborah Newcomb, 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 99th House District, is hereby elected, effective April 1, 2008, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the House of Representatives from the 99th House District, to fill the vacancy created by the unexpired portion of the term of said L. George Distel, 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 question being, "Shall the resolution be adopted?"

The yeas and nays were taken and resulted - yeas 44, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Barrett	Beatty	Bolon	Book
Boyd	Brady	Brown	Budish
Celeste	Chandler	DeBose	DeGeeter
Dodd	Domenick	Driehaus	Dyer
Fende	Foley	Garrison	Gerberry
Goyal	Hagan R.	Harwood	Heard
Letson	Luckie	Lundy	Mallory
Miller	Okey	Otterman J.	Redfern
Sayre	Skindell	Slesnick	Stewart D.
Strahorn	Sykes	Szollosi	Ujvagi
Williams B.	Williams S.	Yates	Yuko-44.

The resolution was adopted.

Ms. Newcomb was escorted to the bar of the House by Representatives Beatty, Bolon, Fende, Foley, Lundy, Miller, and Dolan, 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 her duties.

State of Ohio
County of Franklin

I, Deborah Newcomb, 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/ DEBORAH NEWCOMB
Deborah Newcomb

Sworn to and subscribed before me this 1st day of April, 2008.

/s/ JON A. HUSTED
Jon A. Husted
Speaker
Ohio House of Representatives

On motion of Representative DeWine, the House adjourned until Wednesday, April 2, 2008 at 1:30 p.m.

Attest:

LAURA P. CLEMENS,
Clerk.