

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

WEDNESDAY, NOVEMBER 19, 2008

TWO HUNDRED TWENTY-FOURTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, November 19, 2008, 1:30 p.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Scott Kirsch of the New Harvest Church in Fremont, 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:

The Bishop Fenwick High School girls soccer team received H. R. 288, presented by Representatives Coley-55th district, Jones-67th district and Webster-53rd district.

Samantha Roberts received H. R. 250, presented by Representative Dodd-91st district.

Representatives-elect of the 128th Ohio General Assembly.

Craig Stewart, a guest of Representative Oelslager-51st district.

Students from Revere High School and North High School, guests of Representative Batchelder-69th district.

Pam Busher and members of the Mercer County Leadership Group, guests of Representative Zehringer-77th district.

Brandon Collins and Jackie Kersch, guests of Representative Wagner-81st district.

Students from New Covenant Academy, guests of Representative Sayre-96th district.

### INTRODUCTION OF BILLS

The following bills were introduced:

**H. B. No. 638**-Representative Sears.

Cosponsors: Representatives Bacon, Hite, Wachtmann.

To amend sections 135.07 and 135.09 of the Revised Code to authorize boards of township trustees to award the township's inactive and interim deposits of public moneys to the eligible institution that offers to pay the highest rate of interest, that is the most responsible, and whose certificates of deposit or savings or deposit accounts best fit into any financial investment plan the township has adopted.

**H. B. No. 639**-Representative Strahorn.  
Cosponsors: Representatives Foley, Letson.

To enact sections 185.01, 185.02, 185.021, and 185.03 to 185.07 of the Revised Code to establish procedures for the Ohio Civil Rights Commission to extend state recognition to native American tribes, native American groups, and native American special interest groups, and to specify the rights, duties, and responsibilities of any native American tribe that the Commission recognizes and to extend such state recognition to the Shawnee Nation United Remnant Band.

Said bills were considered the first time.

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

Representative Budish submitted the following report:

The standing committee on Financial Institutions, Real Estate, and Securities to which was referred **Sub. S. B. No. 267**-Senator Faber, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: PERS LAW ENFORCEMENT DIVISON

Representative Widener moved to amend the title as follows:

Add the names: "Representatives Stewart, D., Hite, Zehringer."

ARMOND BUDISH	CLIFF HITE
MATT SZOLLOSI	DAN DODD
STEPHEN SLESNICK	CLYDE EVANS
JAY P. GOYAL	CHRIS WIDENER
JOSEPH KOZIURA	ALLAN R. SAYRE
BARBARA R. SEARS	EUGENE R. MILLER
DAVID DANIELS	KEVIN BACON
RANDY GARDNER	CAROL-ANN SCHINDEL
BOB GIBBS	DAN STEWART
T. TODD BOOK	WILLIAM G. BATCHELDER

The report was agreed to.

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

Representative Koziura 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. 632 - Representative J. McGregor**  
TO REQUIRE THE DIRECTOR OF NATURAL RESOURCES TO  
ESTABLISH A PLAN TO MAKE AVAILABLE FOR LEASE AREAS OF

THE BED OF LAKE ERIE FOR THE PURPOSE OF WIND ENERGY DEVELOPMENT AND TO REQUIRE LAKE ERIE WIND FARMS TO BE CERTIFIED BY THE POWER SITING BOARD.

To the committee on Agriculture and Natural Resources

**H.B. No. 633 - Representative Wolpert**

TO AUTHORIZE TOWNSHIPS THAT MEET SPECIFIED CRITERIA TO ADOPT CRIMINAL CODES AND CREATE COMMUNITY COURTS.

To the committee on Judiciary

**H.B. No. 634 - Representative R. McGregor**

TO REQUIRE THE AUDITOR OF STATE TO ESTABLISH A FRAUD-REPORTING SYSTEM FOR RESIDENTS AND PUBLIC EMPLOYEES TO FILE ANONYMOUS COMPLAINTS OF FRAUD AND MISUSE OF PUBLIC FUNDS BY PUBLIC OFFICES.

To the committee on State Government and Elections

**H.B. No. 635 - Representative Gibbs**

REVISE THE CONCENTRATED ANIMAL FEEDING FACILITIES LAW.

To the committee on Agriculture and Natural Resources

JON A. HUSTED  
LARRY L. FLOWERS  
JOYCE BEATTY  
CHRIS REDFERN

KEVIN DEWINE  
SHANNON JONES  
JOSEPH KOZIURA

Representative DeWine 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 the second time and referred as recommended.

**MOTIONS AND RESOLUTIONS**

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

**H.R. No. 288 – Representatives Coley, Jones, Webster**

HONORING THE BISHOP FENWICK HIGH SCHOOL GIRLS SOCCER TEAM AS THE 2008 DIVISION II STATE CHAMPION.

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

Representative DeWine 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.

Representative Koziura reported for the Rules and Reference Committee recommending that the following House Resolution be read and approved:

**H.R. No. 290 - Speaker Husted, Representatives Hughes, Celeste, Wolpert**  
IN MEMORY OF THE HONORABLE EUGENE J. WATTS, PH.D.

Add the name: Flowers

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

Representative DeWine 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.

Representative Schneider moved that majority party members asking leave to be absent or absent the week of Tuesday, November 18, 2008, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Strahorn moved that minority party members asking leave to be absent or absent the week of Tuesday, November 18, 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 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. 293**-Speaker Husted, Representatives Beatty, Adams, Aslanides, Bacon, Batchelder, Blessing, Bolon, Book, Boyd, Brady, Brinkman, Brown, Bubp, Budish, Carmichael, Celeste, Chandler, Ciafardini, 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, Heydinger, Hite, Hottinger, Huffman, Hughes, Jones, Koziura, Letson, Luckie, Lundy, Mallory, Mandel, McGregor, J., McGregor, R., Mecklenborg, Miller, Nero, Newcomb, Oelslager, Okey, Otterman, J., Peterson, 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, Williams, B.,

Williams, S., Wolpert, Yates, Yuko, Zehringer.

In memory of the Honorable Walter R. Fortener.

*WHEREAS, The members of the House of Representatives of the 127th General Assembly of Ohio were deeply saddened to learn of the death of the Honorable Walter R. Fortener and extend our heartfelt condolences to his family and friends; and*

*WHEREAS, Walter Fortener left an indelible impression on the people whose lives he touched, and he will be remembered as a spirited individual who contributed immeasurably to the world around him. A former member of the Ohio House of Representatives, he was the chief of enforcement for employees of the Public Utilities Commission of Ohio, the owner of Coldwater Maintenance and Western Auto, a former mayor and council member for the Village of Coldwater, the treasurer for Mercer County, and a president of the former Our Lady of Mercy Hospital Board of Governors, and he was active with the Coldwater Knights of Columbus and Holy Trinity Catholic Church; and*

*WHEREAS, Walter Fortener's regard for improving the quality of life in our society was clearly evident in his personal sacrifices of time and effort to his family, friends, and community. Giving generously of his energy and abilities over the years, he displayed exceptional concern and insight, and his absence will be keenly felt; and*

*WHEREAS, A loving husband to his wife, Mary Lou, a devoted father to his six children, Eric, Russ, Ron, Randy, Roger, and Nancy, and the proud grandfather of eleven grandchildren and two great-grandchildren, Walter Fortener always used his talents to the benefit of others, and the laurels of his life stand as a tribute not only to him but also to those he left behind. Although the void his death has created can never be filled, the legacy of care and commitment he established will surely live on. The world is a richer place for his having been in it, and he will be sorely missed; therefore be it*

*RESOLVED, That we, the members of the House of Representatives of the 127th General Assembly of Ohio, in adopting this Resolution, express a profound sense of loss and sincere regret at the death of the Honorable Walter R. Fortener and, in so doing, pay tribute to the memory of a truly unique individual; 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 Walter R. Fortener.*

The resolution was adopted.

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. 292-Speaker Husted.**

Relative to the election of Colleen Grady to fill the vacancy in the membership of the House of Representatives created by the resignation of Thomas F. Patton of the 18th 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, Thomas F. Patton of the 18th House District has resigned as a member of the House of Representatives of the 127th General Assembly effective November 18, 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 Republican party that Colleen Grady, 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 18th House District, is hereby elected, effective November 19, 2008 pursuant to Section 11 of Article II, Ohio Constitution, as a member of the House of Representatives from the 18th House District, to fill the vacancy created by the unexpired portion of the term of said Thomas F. Patton, 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 51, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Batchelder
Blessing	Brinkman	Carmichael	Ciafardini
Coley	Collier	Combs	Core
Daniels	DeWine	Dolan	Evans
Fessler	Flowers	Gardner	Gibbs
Goodwin	Hagan J.	Hite	Hottinger
Huffman	Hughes	Jones	Mandel
McGregor J.	McGregor R.	Mecklenborg	Nero
Oelslager	Peterson	Reinhard	Schindel
Schlichter	Schneider	Sears	Setzer
Stebelton	Stewart J.	Uecker	Wachtmann
Wagner	Webster	White	Widener
Wolpert	Zehringer		Husted-51.

The resolution was adopted.

Ms. Grady was escorted to the bar of the House by Representatives DeWine, Flowers, Carmichael, Schneider and Jones, 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, Colleen Grady, 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/ COLLEEN GRADY  
Colleen Grady

Sworn to and subscribed before me this 19th day of November, 2008.

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

**BILLS FOR THIRD CONSIDERATION**

**H. B. No. 306**-Representative Latta.

Cosponsors: Representatives Evans, Seitz, Webster, Combs, Collier, Sears.

To amend sections 109.58, 109.60, and 109.61 of the Revised Code to require all law enforcement agencies to take and process the fingerprints of persons arrested for specified offenses and to amend the court's role in ordering fingerprints to be taken from persons who were not fingerprinted when arrested or taken into custody, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 88, nays 6, as follows:

Those who voted in the affirmative were: Representatives

- |          |           |            |            |
|----------|-----------|------------|------------|
| Adams    | Aslanides | Bacon      | Batchelder |
| Blessing | Bolon     | Book       | Boyd       |
| Brady    | Brown     | Budish     | Carmichael |
| Celeste  | Chandler  | Ciafardini | Coley      |
| Collier  | Combs     | Core       | Daniels    |
| DeBose   | DeGeeter  | DeWine     | Dodd       |
| Dolan    | Domenick  | Dyer       | Evans      |
| Fende    | Fessler   | Flowers    | Foley      |



Gardner	Garrison	Gibbs	Goodwin
Goyal	Grady	Hagan J.	Hagan R.
Harwood	Heard	Heydinger	Hite
Hottinger	Huffman	Hughes	Jones
Koziura	Letson	Luckie	Lundy
Mallory	Mandel	McGregor J.	McGregor R.
Mecklenborg	Nero	Newcomb	Oelsluger
Okey	Peterson	Reinhard	Sayre
Schindel	Schlichter	Schneider	Sears
Setzer	Slesnick	Stebelton	Stewart D.
Stewart J.	Strahorn	Sykes	Szollosi
Uecker	Wachtmann	Wagner	Webster
White	Widener	Williams B.	Wolpert
Yates	Yuko	Zehringer	Husted-88.

Representatives Beatty, Brinkman, Miller, Otterman J., Redfern, and Skindell voted in the negative-6.

The bill passed.

Representative Huffman moved to amend the title as follows:

Add the names: "Batchelder, Domenick, Grady, Nero, Uecker."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 418**-Representatives Combs, Williams, B.

Cosponsors: Representatives Evans, Lundy, Setzer, Fende, DeBose, Domenick, Brown, Yuko, Stebelton, Hughes, Harwood, Heard, Mandel, Dyer.

To amend sections 959.99, 2152.19, 2903.213, 2903.214, 2919.26, 3113.31, 4732.141, and 4757.33 and to enact section 4731.284 of the Revised Code to revise the penalties and sentencing provisions regarding violations of the cruelty to animals statutes and to include the protection of companion animals in temporary protection orders, domestic violence protection orders, anti-stalking protection orders, and related protection orders, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 92, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Adams	Aslanides	Bacon	Batchelder
Beatty	Blessing	Bolon	Book
Boyd	Brady	Brown	Budish
Carmichael	Celeste	Chandler	Ciafardini
Coley	Collier	Combs	Core
DeBose	DeGeeter	DeWine	Dodd
Dolan	Domenick	Dyer	Evans
Fende	Flowers	Foley	Gardner

Garrison	Gibbs	Goodwin	Goyal
Grady	Hagan J.	Hagan R.	Harwood
Heard	Heydinger	Hite	Hottinger
Huffman	Hughes	Jones	Koziura
Letson	Luckie	Lundy	Mallory
Mandel	McGregor J.	McGregor R.	Mecklenborg
Miller	Nero	Newcomb	Oelslager
Okey	Otterman J.	Peterson	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	Williams B.	Wolpert
Yates	Yuko	Zehringer	Husted-92.

Representative Brinkman voted in the negative-1.

The bill passed.

Representative Combs moved to amend the title as follows:

Add the names: "Adams, Bacon, Bolon, Boyd, Celeste, Chandler, Ciafardini, Collier, Garrison, Grady, Hagan, R., Hite, Letson, Luckie, Mallory, Nero, Newcomb, Peterson, Schneider, Slesnick, Stewart, D.."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative DeWine, the House adjourned until Tuesday, November 25, 2008 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.