

OHIO

House

of

Representatives

JOURNAL

CORRECTED VERSION
WEDNESDAY, JANUARY 13, 2010

ONE HUNDRED TWENTY-SEVENTH DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, January 13, 2010, 9:00 o'clock a.m.

The House met pursuant to adjournment.

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

Representative Driehaus was selected to preside under the Rule.

Message from the Speaker

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following changes to the standing committee on Economic Development:

Remove Representatives DeBose and Ujvagi; appoint Representatives Carney and Hagan.

On motion of Representative Lundy, the House recessed.

The House met pursuant to recess.

Prayer was offered by Representative Terry Blair-38th district, followed by the Pledge of Allegiance to the Flag.

The following guests of the House of Representatives were recognized by Speaker Budish prior to the commencement of business:

Ariel Collins, a guest of Representatives Mallory-32nd district and Heard-26th district.

David and Towny Buckhart, guests of Representative Slesnick-52nd district.

Christopher Bowles, a guest of Representative Gerberry-59th district.

Kara Dolan, a guest of Representative Garrison-93rd district.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bill was introduced:

H. B. No. 409-Representative Foley.

To enact section 731.60 of the Revised Code to authorize municipal corporations to have a deficit in special funds under certain circumstances.

Said bill was considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 5**-Representatives Okey, Dodd, et al., were taken up for consideration.

Sub. H. B. No. 5-Representatives Okey, Dodd.

Cosponsors: Representatives Garrison, Ujvagi, Garland, Newcomb, Phillips, Murray, Williams, B., DeGeeter, Szollosi, Sayre, Schneider, Yuko, Luckie, Letson, Williams, S., Adams, R., Amstutz, Bacon, Baker, Balderson, Batchelder, Belcher, Blair, Blessing, Book, Boose, Boyd, Bubp, Burke, Carney, Celeste, Chandler, Coley, Combs, Daniels, DeBose, Derickson, Dolan, Domenick, Driehaus, Dyer, Evans, Fende, Foley, Gardner, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hall, Harris, Harwood, Heard, Hite, Hottinger, Jones, Jordan, Koziura, Lehner, Lundy, Maag, Mallory, Mandel, Martin, McClain, McGregor, Mecklenborg, Moran, Morgan, Oelslager, Otterman, Patten, Pillich, Pryor, Ruhl, Sears, Skindell, Slesnick, Snitchler, Stautberg, Stebelton, Stewart, Uecker, Wachtmann, Weddington, Winburn, Yates, Zehringer. Senators Buehrer, Hughes, Patton, Widener.

To amend sections 3517.01, 3517.10, 3517.106, 3517.11, 3517.13, 3517.153, 3517.154, 3517.992, and 3599.03 and to enact section 3517.1014 of the Revised Code to permit individuals elected or appointed to state office to establish transition funds to receive donations and to make expenditures for transition activities and inaugural celebrations, to prohibit a candidate for state office from appearing in advertising funded with state or federal moneys during the calendar year in which the person is seeking nomination or election to office, and to prohibit a state agency, board, or commission to use a candidate's name, official position, likeness, image, or voice in such advertising.

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

On motion of Representative Szollosi, the House recessed.

The House met pursuant to recess.

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

The yeas and nays were taken and resulted - yeas 48, nays 50, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Blair	Blessing	Boose	Bubp
Burke	Coley	Combs	Daniels
Derickson	Dolan	Evans	Gardner
Goodwin	Grossman	Hackett	Hall
Harris	Hite	Hottinger	Huffman
Jordan	Lehner	Maag	Mandel

Martin	McClain	McGregor	Mecklenborg
Morgan	Oelslager	Ruhl	Sears
Snitchler	Stautberg	Stebelton	Uecker
Wachtmann	Wagner	Yates	Zehringer-48.

Those who voted in the negative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeGeeter	Dodd	Domenick	Driehaus
Dyer	Fende	Foley	Garland
Garrison	Gerberry	Goyal	Hagan
Harwood	Heard	Koziura	Letson
Luckie	Lundy	Mallory	Moran
Murray	Newcomb	Okey	Otterman
Patten	Phillips	Pillich	Pryor
Sayre	Schneider	Skindell	Slesnick
Stewart	Sykes	Szollosi	Ujvagi
Weddington	Williams B.	Williams S.	Winburn
Yuko			Budish-50.

The Senate amendments were not concurred in.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Baker submitted the following report:

The standing committee on Economic Development to which was referred **H. J. R. No. 12**-Representatives Williams, S., Goyal, et al., having had the same under consideration, reports it back as a substitute bill and recommends its adoption.

RE: ISSUE GENERAL OBLIGATION BONDS FOR RESEARCH AND DEVELOPMENT

Representative Williams, S. moved to amend the title as follows:

Add the names: "Amstutz, Grossman, Hottinger, Martin, Snitchler."

SANDRA WILLIAMS	DENISE DRIEHAUS
NAN BAKER	JOHN PATRICK CARNEY
TIMOTHY J. DEGEETER	JAY P. GOYAL
TRACY HEARD	MATT LUNDY
DENNIS MURRAY	DEBBIE PHILLIPS
RAYMOND PRYOR	ROBERT F. HAGAN
RON AMSTUTZ	PETER BECK
CHERYL GROSSMAN	DAVE HALL
JAY HOTTINGER	JARROD MARTIN
TODD SNITCHLER	GERALD L. STEBELTON

The following member voted "NO"

JEFF WAGNER

The report was agreed to.

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

Representative Blessing 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. 395 - Representatives Bacon and Harwood, et al
TO MAKE CHANGES RELATIVE TO THE PROBATE CODE AND THE MARRIAGE LICENSE LAW.

To the committee on Civil and Commercial Law

H.B. No. 396 - Representative Blair, et al
TO PROHIBIT THE GOVERNOR FROM PROPOSING AND THE GENERAL ASSEMBLY FROM ENACTING A STATE BUDGET WITH AGGREGATE GENERAL REVENUE FUND APPROPRIATIONS THAT EXCEED NINETY-SEVEN PER CENT OF THE TOTAL MONEY RECEIVED IN AGGREGATE REVENUE FOR THE TWO MOST RECENT FISCAL YEARS, TO PROHIBIT THE PROPOSAL AND ENACTMENT OF A STATE BUDGET CONTAINING TRANSFERS FROM THE BUDGET STABILIZATION FUND IN EXCESS OF TWENTY-FIVE PER CENT OF THE AMOUNT OF THE FUND, AND TO ELIMINATE THE STATE APPROPRIATION LIMITATION.

To the committee on Finance and Appropriations

H.B. No. 397 - Representatives Domenick and Balderson, et al
TO DESIGNATE THE FIRST WEEK OF APRIL OF EACH YEAR AS "OHIO COAL MINERS WEEK."

To the committee on Agriculture and Natural Resources

H.B. No. 398 - Representatives Newcomb and Lehner, et al
TO REVISE THE WAITING LIST PROVISIONS OF THE PASSPORT AND ASSISTED LIVING PROGRAMS, TO REVISE THE LAW GOVERNING THE COLLECTION OF LONG-TERM CARE FACILITIES' MEDICAID DEBTS, AND TO REVISE THE LAW GOVERNING THE REASONS FOR DENYING A CERTIFICATE OF NEED APPLICATION.

To the committee on Aging and Disability Services

H.B. No. 399 - Representative Bacon, et al
TO REVISE THE DEFINITION OF "MOBILITY IMPAIRED PERSON" TO INCLUDE A PERSON WHO IS DIAGNOSED WITH AUTISM FOR PURPOSES OF THE STATUTES GOVERNING ASSISTANCE DOGS.

To the committee on Health

H.B. No. 400 - Representative J. Adams, et al

TO PHASE OUT THE PERSONAL INCOME TAX OVER TEN YEARS.

To the committee on Ways and Means

H.B. No. 401 - Representatives Lundy and Murray, et al

TO AUTHORIZE PROPERTY TAX EXEMPTION FOR MUNICIPALLY OWNED FACILITIES HOUSING INDEPENDENT PROFESSIONAL MINOR LEAGUE BASEBALL TEAMS.

To the committee on Ways and Means

H.B. No. 402 - Representative Dodd, et al

TO REVISE THE LAWS GOVERNING COUNTY AND INDEPENDENT AGRICULTURAL SOCIETIES REGARDING AUDITS CONDUCTED BY THE AUDITOR OF STATE AND HORSE RACES CONDUCTED BY A SOCIETY.

To the committee on Agriculture and Natural Resources

H.B. No. 403 - Representative DeGeeter, et al

TO AUTHORIZE A NONCHARTERED MUNICIPAL CORPORATION TO ESTABLISH A COMMUNITY EMERGENCY RESPONSE TEAM WITHIN THE PUBLIC SAFETY DEPARTMENT OF THE MUNICIPAL CORPORATION.

To the committee on Local Government and Public Administration

H.B. No. 404 - Representative Bolon, et al

TO INCREASE COUNTY TREASURER FEES FOR PROPERTY TAX COLLECTION AND TO MODIFY HOW THOSE FEES ARE TO BE COMPUTED.

To the committee on Local Government and Public Administration

H.B. No. 405 - Representative J. Adams, et al

TO ADOPT THE SMALLMOUTH BASS AS THE STATE FISH.

To the committee on State Government

Sub. S.B. No. 165 - Senator Niehaus, et al

TO REVISE THE OIL AND GAS LAW.

To the committee on Agriculture and Natural Resources

Am. Sub. S.B. No. 162 - Senator Buehrer, et al

TO REVISE STATE REGULATION OF TELEPHONE COMPANIES AND REMOVE TELEGRAPH COMPANIES FROM UTILITY REGULATION AND TO CREATE THE SELECT COMMITTEE ON TELECOMMUNICATIONS REGULATORY REFORM.

To the committee on Public Utilities

Am. S.B. No. 183 - Senator Schaffer, et al

TO ELIMINATE A GRANDFATHER EXEMPTION FROM THE REQUIREMENTS OF THE ARCHITECTS LAW GRANTED TO CERTAIN CORPORATIONS.

To the committee on Civil and Commercial Law

T. TODD BOOK
MARK D. OKEY
MATT LUNDY
JOHN ADAMS
KRIS JORDAN

JOSEPH KOZIURA
TIMOTHY J. DEGEETER
LOUIS W. BLESSING
WILLIAM G. BATCHELDER

Representative Szollosi 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 the second time and referred as recommended.

MOTIONS AND RESOLUTIONS

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

H.R. No. 197 - Speaker Budish

Authorizing Ohio Hi-Y Youth in Government to use the Ohio House Chambers and Hearing Rooms to conduct its 2010 Youth in Government Program.

Add the name: Batchelder

H.R. No. 198 - Speaker Budish

Authorizing Ohio Federation of Soil and Water Conservation Districts to use the Ohio House Chambers to conduct its 2010 Swearing in Ceremony and Delegate Session.

H.R. No. 200 – Representative Ruhl

Honoring Emma Krock as the 2009 Youth Plantation Pleasure 3-Gait Reserve Champion for the national Walking Horse Athletic Association.

H.R. No. 201 – Representative Lehner

Honoring the Archbishop Alter High School football team on winning the 2009 Division IV State Championship.

H.R. No. 202 – Representative Baker

Honoring Michael Brajdic as the 2009 Division II State Boys Cross Country Champion.

H.R. No. 203 – Representative Baker

Honoring the Magnificat High School girls cross country team as the 2009 Division I State Champion.

H.R. No. 204 – Representative Boose

Honoring the Norwalk St. Paul High School football team on winning the 2009 Division VI State Championship.

H.R. No. 205 – Representative DeGeeter

Honoring the Padua Franciscan High School volleyball team as the Division II State Champion.

H.R. No. 206 – Representative Yates

Honoring Terry J. Collins on his retirement from the Ohio Department of Rehabilitation and Correction.

/s/ TODD BOOK
Todd Book, Chair

Representative Szollosi 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 Goyal moved that majority party members asking leave to be absent or absent the week of Wednesday, January 13, 2010, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Adams, J. moved that minority party members asking leave to be absent or absent the week of Wednesday, January 13, 2010, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

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

H.R. No. 199 - Speaker Budish, Representatives Batchelder, Adams, J., Adams, R., Amstutz, Bacon, Baker, Balderson, Beck, Belcher, Blair, Blessing, Bolon, Book, Boose, Boyd, Brown, Bulp, Burke, Carney, Celeste, Chandler, Coley, Combs, Daniels, DeBose, DeGeeter, Derickson, Dodd, Dolan, Domenick, Driehaus, Dyer, Evans, Fende, Foley, Gardner, Garland, Garrison, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hagan, Hall, Harris, Harwood, Heard, Hite, Hottinger, Huffman, Jordan, Koziura, Lehner, Letson, Luckie, Lundy, Maag, Mallory, Mandel, Martin, McClain, McGregor, Mecklenborg, Moran, Morgan, Murray, Newcomb, Oelslager, Okey, Otterman, Patten, Phillips, Pillich, Pryor, Ruhl, Sayre, Schneider, Sears, Skindell, Slesnick, Snitchler, Stautberg, Stebelton, Stewart, Sykes, Szollosi, Uecker, Ujvagi, Wachtmann, Wagner, Weddington, Williams, B., Williams, S., Winburn, Yates, Yuko, Zehringer

In Memory of James W. "Bill" Collins.

/s/ TODD BOOK
Todd Book, Chair

Representative Szollosi moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolution contained therein 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. 199-Speaker Budish, Representative Batchelder.

Cosponsors: Representatives Adams, J., Adams, R., Amstutz, Bacon, Baker, Balderson, Beck, Belcher, Blair, Blessing, Bolon, Book, Boose, Boyd, Brown, Bupp, Burke, Carney, Celeste, Chandler, Coley, Combs, Daniels, DeBose, DeGeeter, Derickson, Dodd, Dolan, Domenick, Driehaus, Dyer, Evans, Fende, Foley, Gardner, Garland, Garrison, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hagan, Hall, Harris, Harwood, Heard, Hite, Hottinger, Huffman, Jordan, Koziura, Lehner, Letson, Luckie, Lundy, Maag, Mallory, Mandel, Martin, McClain, McGregor, Mecklenborg, Moran, Morgan, Murray, Newcomb, Oelslager, Okey, Otterman, Patten, Phillips, Pillich, Pryor, Ruhl, Sayre, Schneider, Sears, Skindell, Slesnick, Snitchler, Stautberg, Stebelton, Stewart, Sykes, Szollosi, Uecker, Ujvagi, Wachtmann, Wagner, Weddington, Williams, B., Williams, S., Winburn, Yates, Yuko, Zehringer.

In memory of James W. "Bill" Collins.

WHEREAS, The members of the House of Representatives of the 128th General Assembly of Ohio were deeply saddened to learn of the death of James W. "Bill" Collins and extend our heartfelt condolences to his family and friends; and

WHEREAS, Bill Collins 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 representative in the Ohio General Assembly, he was a U.S. Army Air Corps veteran of World War II and the Korean War, the owner and operator of the Collins Packing and Highlander Ford companies, a past exalted ruler of the local Elks lodge, and a member of the local Eagles aerie and St. Benignus Catholic Church; and

WHEREAS, Bill Collins' 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, he displayed exceptional concern and insight, and his absence will be keenly felt; and

WHEREAS, A loving husband to his wife, the late Maxine, a devoted father to his three children, William, Connie, and Carol, and the proud grandfather of five grandchildren, ten great-grandchildren, and two

great-great-grandchildren, Bill Collins 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 128th General Assembly of Ohio, in adopting this Resolution, express a profound sense of loss and sincere regret at the death of James W. "Bill" Collins 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 James W. "Bill" Collins.

The resolution was adopted.

Representative Szollosi moved that the following concurrent 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. C. R. No. 34-Representative Szollosi.
Cosponsor: Senator Niehaus.

Authorizing a joint convention of the Ohio General Assembly for the purpose of receiving a message from the Governor and calling for a committee to wait upon the Governor in anticipation of his State of the State Address.

WHEREAS, The members of the 128th General Assembly of Ohio, by adoption of this Resolution, call for a joint session of the legislature, to be held in the House Chambers of the Ohio Statehouse, January 27, 2010 at 12:00 o'clock p.m.; and

WHEREAS, The Ohio General Assembly annually convenes a joint session of the House and Senate for the purpose of receiving a message from the Governor as to the State of the State; and

WHEREAS, The members of the 128th General Assembly of Ohio, by adoption of the Resolution, call for a committee of nine on the part of the House of Representatives and eight on the part of the Senate to be appointed to wait upon the Governor in anticipation of his State of the State Address, January 27, 2010 at 12:00 o'clock p.m.; and

WHEREAS, It is a tradition of courtesy for the Ohio General Assembly to appoint a committee to wait upon the Governor; therefore be it

RESOLVED, That we, the members of the 128th General Assembly of Ohio, in adopting this Resolution, authorize a joint convention of the legislature to be held in the House Chambers of the Ohio Statehouse, Columbus, January 27, 2010 at 12:00 o'clock p.m., for the purpose of welcoming the Governor, the Honorable Ted Strickland, and receiving his message on the State of the State; and be it further

RESOLVED, That we, the members of the 128th General Assembly of Ohio, in adopting this Resolution, call for a committee of nine on the part of the House of Representatives and eight on the part of the Senate to be appointed to wait upon the Governor; and be it further

RESOLVED, That the rules and customs of the House shall be observed during the use of the House Chambers; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to Governor Ted Strickland and to the news media of Ohio.

The yeas and nays were taken and resulted - yeas 98, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
DeGeeter	Derickson	Dodd	Dolan
Domenick	Driehaus	Dyer	Evans
Fende	Foley	Gardner	Garland
Garrison	Gerberry	Goodwin	Goyal
Grossman	Hackett	Hagan	Hall
Harris	Harwood	Heard	Hite
Hottinger	Huffman	Jordan	Koziura
Lehner	Letson	Luckie	Lundy
Maag	Mallory	Mandel	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	Oelslager
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Ruhl	Sayre
Schneider	Sears	Skindell	Slesnick
Snitchler	Stautberg	Stebelton	Stewart
Sykes	Szollosi	Uecker	Ujvagi
Wachtmann	Wagner	Weddington	Williams B.
Williams S.	Winburn	Yates	Yuko
Zehringer			Budish-98.

The concurrent resolution was adopted.

BILLS FOR THIRD CONSIDERATION

Sub. H. J. R. No. 12-Representatives Williams, S., Goyal.

Cosponsors: Representatives Belcher, Bolon, Book, Boyd, Brown, Speaker Budish, Representatives Carney, Celeste, Chandler, DeBose, DeGeeter, Dodd, Domenick, Driehaus, Dyer, Fende, Foley, Garland, Garrison, Gerberry, Hagan, Harris, Harwood, Heard, Koziura, Letson, Luckie, Lundy, Mallory, Moran, Murray, Newcomb, Okey, Otterman, Patten, Phillips, Pillich, Pryor, Sayre, Schneider, Skindell, Slesnick, Stewart, Sykes, Szollosi, Ujvagi, Weddington, Williams, B., Winburn, Yates, Yuko, Amstutz, Grossman, Hottinger, Martin, Snitchler.

Proposing to amend Section 2p of Article VIII of the Constitution of the State of Ohio to permit the issuance of additional general obligation bonds to fund research and development.

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that there shall be submitted to the electors of the state, in the manner prescribed by law at the special election to be held on May 4, 2010, a proposal to amend Section 2p of Article VIII of the Constitution of the State of Ohio to read as follows:

ARTICLE VIII

Section 2p. (A) It is determined and confirmed that the development purposes referred to in this division, and provisions for them, are proper public purposes of the state and local governmental entities and are necessary and appropriate means to create and preserve jobs and enhance employment and educational opportunities; to improve the quality of life and the general and economic well-being of all the people and businesses in all areas of this state, including economically disadvantaged businesses and individuals; and to preserve and expand the public capital infrastructure; all to better ensure the public health, safety, and welfare. Those purposes are:

(1) Public infrastructure capital improvements, which shall be limited to roads and bridges, waste water treatment systems, water supply systems, solid waste disposal facilities, and storm water and sanitary collection, storage, and treatment facilities, including real property, interests in real property, facilities, and equipment related to or incidental thereto, and shall include, without limitation, the cost of acquisition, construction, reconstruction, expansion, improvement, planning, and equipping;

(2) Research and development in support of Ohio industry, commerce, and business (hereinafter referred to as "research and development purposes"), which shall include, without limitation, research and product innovation, development, and commercialization through efforts by and collaboration among Ohio business and industry, state and local public entities and agencies, public and private education institutions, or research organizations and institutions, all

as may be further provided for by state or local law, but excluding purposes provided for in Section 15 of Article VIII, Ohio Constitution; and

(3) Development of sites and facilities in Ohio for and in support of industry, commerce, distribution, and research and development purposes.

(B) The General Assembly may provide by law, in accordance with but subject to the limitations of this section, for the issuance of general obligation bonds and other obligations of the state for the purpose of financing or assisting in the financing of the cost of projects implementing those purposes.

(1) Not more than one billion three hundred fifty million dollars principal amount of state general obligations may be issued under this section for public infrastructure capital improvements. Not more than one hundred twenty million dollars principal amount of those obligations may be issued in each of the first five fiscal years of issuance and not more than one hundred fifty million dollars principal amount of those obligations may be issued in each of the next five fiscal years of issuance, plus in each case the principal amount of those obligations that in any prior fiscal year could have been but were not issued within those fiscal year limits. No infrastructure obligations may be issued pursuant to this division and division (C) of this section until at least one billion one hundred ninety-nine million five hundred thousand dollars aggregate principal amount of state infrastructure obligations have been issued pursuant to Section 2m of Article VIII, Ohio Constitution.

(2) Not more than ~~five~~ one billion four hundred fifty million dollars principal amount of state general obligations may be issued under this section for research and development purposes. Not more than ~~one~~ five hundred million dollars principal amount of those obligations may be issued in ~~each of the first three fiscal years of issuance~~ total from fiscal years 2006 through 2011, and not more than ~~fifty~~ one hundred ninety million dollars principal amount of those obligations may be issued in any ~~other~~ fiscal year beginning in fiscal year 2012 and thereafter, plus in each case the principal amount of those obligations that in any prior fiscal year could have been but were not issued.

(3) Not more than one hundred fifty million dollars principal amount of state general obligations may be issued under this section for development of sites and facilities for industry, commerce, distribution, and research and development purposes. Not more than thirty million dollars principal amount of those obligations may be issued in each of the first three fiscal years of issuance, and not more than fifteen million dollars principal amount of those obligations may be issued in any other fiscal year, plus in each case the principal amount of those obligations that in any prior fiscal year could have been but were not issued.

(C) Each issue of state general obligations for public infrastructure capital improvements or development of sites and facilities shall mature in not more than thirty years from the date of issuance, and each issue of state general obligations for research and development purposes shall mature in not more than

twenty years from the date of issuance; or, if issued to retire or refund other obligations, within that number of years from the date the debt being retired or refunded was originally issued. If state general obligations are issued as notes in anticipation of the issuance of bonds, provision shall be made by law for the establishment and maintenance, during the period in which the notes are outstanding, of a special fund or funds into which shall be paid, from the sources authorized for the payment of such bonds, the amount that would have been sufficient, if bonds maturing during the permitted period of years had been issued without such prior issuance of notes, to pay the principal that would have been payable on such bonds during such period. Such fund or funds shall be used solely for the payment of principal of such notes or bonds in anticipation of which such notes have been issued. Notwithstanding anything to the contrary in Section 2k or 2m of Article VIII, obligations issued under this section or Section 2k or 2m to retire or refund obligations previously issued under this section or Section 2k or 2m shall not be counted against the fiscal year or total issuance limitations provided in this section or Section 2k or 2m, as applicable.

The obligations issued under this division and division (B) of this section are general obligations of the state. The full faith and credit, revenue, and taxing power of the state shall be pledged to the payment of the principal of and premium and interest and other accreted amounts on outstanding obligations as they become due (hereinafter called debt service), and bond retirement fund provisions shall be made for payment of that debt service. Provision shall be made by law for the sufficiency and appropriation, for purposes of paying debt service, of excises, taxes, and revenues so pledged or committed to debt service, and for covenants to continue the levy, collection, and application of sufficient excises, taxes, and revenues to the extent needed for that purpose. Notwithstanding Section 22 of Article II, Ohio Constitution, no further act of appropriation shall be necessary for that purpose. The obligations and the provision for the payment of debt service, and repayment by governmental entities of any loans made under this section, are not subject to Sections 5, 6, and 11 of Article XII, Ohio Constitution. Moneys referred to in Section 5a of Article XII, Ohio Constitution may not be pledged or used for the payment of that debt service. Debt service on obligations issued for research and development purposes and for development of sites and facilities shall not be included in the calculation of total debt service for purposes of division (A) of Section 17 of Article VIII, Ohio Constitution.

(D)(1) The state may participate in any public infrastructure capital improvement under this section with municipal corporations, counties, townships, or other governmental entities as designated by law, or any one or more of them. Such participation may be by grants, loans, or contributions to them for any such capital improvements. The entire proceeds of the infrastructure obligations shall be used for public infrastructure capital improvements of municipal corporations, counties, townships, and other governmental entities, except to the extent that the General Assembly provides by law that the state may reasonably be compensated from such moneys for

planning, financial management, or administrative services performed in relation to the issuance of infrastructure obligations.

(2) (a) Implementation of the research and development purposes includes supporting any and all related matters and activities, including: attracting researchers and research teams by endowing research chairs or otherwise; activities to develop and commercialize products and processes; intellectual property matters such as copyrights and patents; property interests, including time sharing arrangements; and financial rights and matters such as royalties, licensing, and other financial gain or sharing resulting from research and development purposes. State and local public moneys, including the proceeds of bonds, notes, and other obligations, may be used to pay costs of or in support of or related to these research and development purposes, including, without limitation, capital formation, direct operating costs, costs of research and facilities, including interests in real property therefor, and support for public and private institutions of higher education, research organizations or institutions, and private sector entities. The exercise of these powers by the state and state agencies, including state-supported and state-assisted institutions of higher education, and local public entities and agencies, may be jointly or in coordination with each other, with researchers or research organizations and institutions, with private institutions of higher education, with individuals, or with private sector entities. State and local public participation may be in such manner as the entity or agency determines, including by any one or a combination of grants, loans including loans to lenders or the purchase of loans, subsidies, contributions, advances, or guarantees, or by direct investments of or payment or reimbursement from available moneys, or by providing staffing or other support, including computer or other technology capacity, or equipment or facilities, including interests in real property therefor, and either alone or jointly, in collaborative or cooperative ventures, with other public agencies and private sector entities including not for profit entities. In addition to other state-level monetary participation as referred to in this section or otherwise, state-supported and state-assisted institutions of higher education may, as authorized from time to time by the General Assembly, issue obligations to pay costs of participating in and implementing research and development purposes. In addition to the other obligations authorized in or pursuant to this section, the General Assembly also may authorize the state and state agencies and local public entities and agencies, and corporations not for profit designated by any of them as such agencies or instrumentalities, to issue obligations to borrow and loan or otherwise provide moneys for research and development purposes, including, but not limited to, obligations for which moneys raised by taxation shall not be obligated or pledged for the payment of debt service and which are therefore not subject to Sections 5, 6, and 11 of Article XII, Ohio Constitution.

(b) Implementation of the research and development purposes shall include utilization of independent reviewers to review the merits of proposed research and development projects and to make recommendations concerning which proposed projects should be awarded support from the proceeds of the

sale of obligations under this section.

(c) From the proceeds of the sale of obligations issued under this section, not more than five hundred million dollars may be awarded or otherwise committed in total for research and development purposes from fiscal years 2006 through 2011, and not more than one hundred ninety million dollars may be awarded or otherwise committed for research and development purposes in any other fiscal year beginning in fiscal year 2012 and thereafter, plus in each case the amount of the proceeds that in any prior fiscal year could have been but were not awarded.

(3) Development of sites and facilities for and in support of industry, commerce, distribution, and research and development purposes includes acquisition of real estate and interests in real estate, site preparation including any necessary remediation and cleanup, constructing and improving facilities, and providing public infrastructure capital improvements and other transportation and communications infrastructure improvements for and in support of the use of those sites and facilities for those purposes. State and local public moneys, including the proceeds of bonds, notes, and other obligations, may be used to pay costs of those purposes. The exercise of these powers by the state and state agencies and local public entities and agencies, may be jointly or in coordination with each other, and with individuals or private sector business entities. State and local public participation may be in such manner as the entity or agency determines, including by any one or a combination of grants, loans including loans to lenders or the purchase of loans, subsidies, contributions, advances, or guarantees, or by direct investments of or payment or reimbursement from available moneys. In addition to other state-level monetary participation as referred to in this section or otherwise, state-supported and state-assisted institutions of higher education, and local public entities and agencies may, as authorized from time to time by the General Assembly, issue obligations to pay costs of participating in and implementing the development of sites and facilities.

(E) Obligations issued under authority of this section for research and development purposes and site and facility development purposes, provisions for the payment of debt service on them, the purposes and uses to which and the manner in which the proceeds of those obligations or moneys from other sources are to or may be applied, and other implementation of those development purposes as referred to in this section, are not subject to Sections 4 and 6 of Article VIII, Ohio Constitution. Obligations issued under authority of this section, the transfer thereof, and the interest, interest equivalent, and other income and accreted amounts therefrom, including any profit made on the sale, exchange, or other disposition thereof, shall at all times be free from taxation within the state.

(F) This section shall otherwise be implemented in the manner and to the extent provided by law by the General Assembly, including provision for the procedure for incurring and issuing obligations, separately or in combination

with other obligations, and refunding, retiring, and evidencing obligations; provision for ensuring the accountability of all state funding provided for the development purposes referred to in division (A) of this section; provision for restricting or limiting the taking of private property under Section 19 of Article I for disposition to private sector entities for the purposes identified in divisions (A)(2) and (3) of this section or restricting the disposition of that property to private sector entities or individuals; and provision for the implementation of the development purposes referred to in division (A) of this section to benefit people and businesses otherwise qualified for receipt of funding for the development purposes referred to in division (A) of this section, including economically disadvantaged businesses and individuals in all areas of this state, including by the use to the extent practicable of Ohio products, materials, services, and labor.

(G) The powers and authority granted or confirmed by and under, and the determinations in, this section are independent of, in addition to, and not in derogation of or a limitation on, powers, authority, determinations, or confirmations under laws or under other provisions of the Ohio Constitution including, without limitation, Section 7 of Article I, Section 5 of Article VI, Sections 2i, 2n, 2o, 13, and 15 of Article VIII, Article X, and Section 3 of Article XVIII, and do not impair any previously adopted provisions of the Ohio Constitution or any law previously enacted by the General Assembly or by a local public agency.

EFFECTIVE DATE AND REPEAL

If adopted by a majority of the electors voting on this proposal, the proposal shall take effect immediately, and existing Section 2p of Article VIII of the Constitution of the State of Ohio shall be repealed from that effective date.

The question being, "Shall the joint resolution be adopted?"

Representative Williams, S. moved to amend the title as follows:

Add the names: "Batchelder, Blessing, Combs, Derickson, Dolan, Hackett, McGregor, Mecklenborg, Oelslager, Stautberg."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

The question being, "Shall the joint resolution be adopted?"

The yeas and nays were taken and resulted - yeas 85, nays 13, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Bacon	Baker
Balderson	Batchelder	Beck	Belcher
Blair	Blessing	Bolon	Book
Boose	Boyd	Brown	Carney
Celeste	Chandler	Coley	Combs
DeGeeter	Derickson	Dodd	Dolan
Domenick	Driehaus	Dyer	Fende
Foley	Gardner	Garland	Garrison

Gerberry	Goyal	Grossman	Hackett
Hagan	Hall	Harris	Harwood
Heard	Hite	Hottinger	Koziura
Lehner	Letson	Luckie	Lundy
Maag	Mallory	Mandel	Martin
McClain	McGregor	Mecklenborg	Moran
Murray	Newcomb	Oelslager	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Ruhl	Sayre	Schneider
Skindell	Slesnick	Snitchler	Stautberg
Stebelton	Stewart	Sykes	Szollosi
Uecker	Ujvagi	Weddington	Williams B.
Williams S.	Winburn	Yates	Yuko
			Budish-85.

Those who voted in the negative were: Representatives

Adams J.	Bubp	Burke	Daniels
Evans	Goodwin	Huffman	Jordan
Morgan	Sears	Wachtmann	Wagner
			Zehringer-13.

The joint resolution was adopted.

Sub. H. B. No. 166-Representatives Carney, McGregor.

Cosponsors: Representatives Ujvagi, Murray, Hackett, Slesnick, Domenick, Hagan, Mallory, Bolon, Foley, Yuko, Combs, Balderson, McClain, Ruhl.

To amend sections 5501.03, 5501.311, 5531.09, and 5531.18 and to enact sections 5539.01, 5539.02, 5539.03, 5539.031, 5539.04, 5539.05, 5539.06, 5539.07, 5539.08, 5539.09, 5539.10, 5539.11, and 5539.12 of the Revised Code to authorize the creation of transportation innovation authorities by specified governmental entities, to establish the powers and duties of such authorities, and to make an appropriation, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Szollosi moved that **Sub. H. B. No. 166**-Representatives Carney, McGregor, et al., be rereferred to the committee on Finance and Appropriations.

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

The motion was agreed to without objection.

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:

Am. Sub. S. B. No. 181 -Senator Stewart

Cosponsors: Senators Goodman, Schaffer, Seitz, Niehaus, Faber, Gibbs, Gillmor, Harris, Hughes, Patton, Wagoner, Wilson, Carey

To amend section 4928.01 and to enact section 1513.372 of the Revised Code to provide immunity from liability for eligible landowners who provide access to abandoned mine land for purposes of reclamation or acid mine drainage abatement and to provide immunity from liability for nonprofit organizations that provide funding or service for such reclamation or acid mine drainage abatement, and to designate that methane gas emitted from an abandoned coal mine constitutes a renewable energy resource rather than an advanced energy resource for purposes of the law governing the promotion of renewable energy usage, electricity supplied from renewable energy sources, and renewable energy credits.

Attest:

Vincent L. Keeran,
Clerk.

Said bill was considered the first time.

On motion of Representative Szollosi, the House adjourned until Thursday, January 14, 2010 at 9:00 o'clock a.m.

Attest:

THOMAS L. SHERMAN,
Clerk.