

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

WEDNESDAY, JANUARY 28, 2009

The hour having arrived for the meeting of the two houses in joint convention for the purpose of listening to the address of The Honorable Ted Strickland, Governor of the State of Ohio, before the joint convention. The members of the Senate preceded by the president pro tempore and clerk appeared within the bar of the House.

The President Pro Tempore of the Senate called the joint convention to order.

Representative Szollosi and Senator Coughlin announced a quorum of each house, respectively, was present.

The Ohio National Guard Color Guard, presented the colors, followed by the Pledge of Allegiance to the Flag and the posting of the colors.

The Governor was escorted to the rostrum by the committee appointed where he addressed the joint convention.

On motion of Senator Faber, the joint convention was dissolved.

#### SEVENTH DAY

Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, January 28, 2009, 1:30 p.m.**

The House met pursuant to adjournment.

Prayer was offered by Representative Jennifer Garrison-93rd district, followed by the Pledge of Allegiance to the Flag.

The journal of the previous legislative day was read and approved.

#### MOTIONS AND RESOLUTIONS

Representative Szollosi submitted the following report:

Pursuant to H. R. No. 10 of the 128th General Assembly, Representative Szollosi reported for the Special Committee on Rules recommending the adoption of House Rules Rules 1 through 124 as contained in the report of the special committee and recommends the adoption of the following resolution (New rules effective from the date of adoption):

**H. R. No. 11**-Representative Szollosi.

To adopt Rules of the House of representatives for the 128th General Assembly.

RESOLVED, That the following are the rules of the House of Representatives for the 128th General Assembly:

**RULES OF THE HOUSE OF REPRESENTATIVES  
OF THE ~~127th~~ 128th GENERAL ASSEMBLY  
TIME OF CONVENING; ORDER OF BUSINESS**

Rule 1. (Time of sessions; schedule.) (a) For the months of January through June in each year, and separately for the months of July through December in each year, the Speaker, at the beginning of each six-month period, shall establish a schedule of dates and times according to which the House shall hold sessions and at which roll call votes are taken. The Speaker may revise or supplement the schedule as necessary. The schedule and any revision or supplement thereto shall be published and a copy provided to each member.

(b) Sessions of the House at which roll call votes are taken shall be held on the dates and at the times prescribed in the schedule. The Speaker, by written notice transmitted to each member, may cancel a session required by the schedule.

Rule 2. (Speaker or presiding officer to call House to order.) The Speaker or presiding officer shall take the chair every day precisely at the hour to which the House shall have adjourned or shall have taken a recess, and shall immediately call the House to order. Prayer may be offered, the pledge of allegiance to the United States of America shall be recited, and, a quorum being present, the House shall proceed with the order of business. A majority of all members elected must be present to constitute a quorum to do business; but a smaller number may meet and adjourn from time to time and shall have the power to compel the attendance of absent members.

Rule 3. (Order of business.) (a) The order of business of the House shall be as follows:

1. Reading and approving, with or without corrections, of the Journal.
2. Introduction of bills.
3. Consideration of Senate amendments.
4. Reports of conference committees.
5. Reports of standing and select committees and bills for second consideration.
6. Motions and resolutions.
7. Bills for third consideration.
8. Announcement of committee meetings.

(b) The order of business shall not be changed unless otherwise ordered by a majority vote upon motion. All questions relating to the priority of business shall be decided without debate.

Rule 4. (Special order of business.) Any matter may be made a special order of business for any particular day and hour with the assent of two-thirds of the members present.

Rule 5. (Filing of petitions.) Members having petitions to present shall file same with the Clerk, endorsing their name thereon. Delivery to the Clerk

shall constitute presentment of said petition to the House, and it shall be noted in the Journal.

Rule 6. (Messages from Senate and executives.) Messages from the Senate and the Governor and communications from any branch of the executive department may be received, read, and disposed of at any time, except when the presiding officer is putting a question, or when a vote is being taken.

Rule 7. (Adjournment.) A motion to adjourn always shall be in order, except during roll call. When a motion is made to adjourn, it shall be in order for the presiding officer, before putting the question, to state any fact to the House relating to the condition of the business of the House which would seem to make it advisable or inadvisable to adjourn at that time. Such statement, however, shall not be debatable.

Rule 8. (Recess.) The interim between any two meetings of the House, on the same legislative day, shall be termed a recess; when so ordered by the House, the interim between five or more calendar days likewise shall be termed a recess; and on reassembling at the appointed hour, any question pending at the time of taking recess shall be resumed without any motion to that effect.

#### DUTIES OF THE SPEAKER

Rule 9. (Speaker shall preserve order and decorum.) The Speaker or presiding officer shall, at all times, preserve order and decorum. The Speaker or presiding officer shall see that members conduct themselves in a civil and orderly manner. When necessary, the Speaker or presiding officer may order the Sergeant-at-Arms to clear the aisles and compel members to take their seats.

Rule 10. (Recognition of visitors.) A member may file with the Clerk a form requesting the Speaker or presiding officer to recognize one or more individuals in the galleries. The Clerk shall prescribe a form for the request and make copies of the form in blank available to members. The recognition may be made at any time, but shall not interrupt a debate or the taking of a vote.

Rule 11. (Control of the Hall.) (a) The Speaker or presiding officer shall have general direction and control of the Hall. In case of any disturbance or disorderly conduct in the galleries, lobby, rooms, or hallways adjacent to the Hall, the Speaker or presiding officer may order those places to be cleared.

(b) When ~~the Speaker is absent, or when~~ the House is not in session, the Clerk shall have general direction and control of the Hall and of the galleries, lobby, rooms, and hallways adjacent to the Hall.

(c) Signs, banners, placards, and other similar demonstrative devices are not permitted in the Hall or in the galleries, lobby, rooms, or hallways adjacent to the Hall unless the Speaker ~~, or, if the Speaker is absent or presiding officer,~~ or, if the House is not in session, the Clerk, has approved their use in those places.

Rule 12. (Member may preside.) The Speaker may appoint any member to perform the duties of the Speaker as presiding officer for a temporary period

of time. If the Speaker is absent, and no member has been appointed to perform those duties temporarily during the absence, the Speaker Pro Tempore shall perform the duties of the Speaker as presiding officer during the Speaker's absence.

Rule 13. (Appointment of committees and boards.) (a) The Speaker shall name all committees and subcommittees, and shall appoint all ~~committee~~ members and ~~committee~~ chairmen thereto ~~; unless it shall be otherwise ordered by the House, in which case they shall be appointed by vote of the House~~. The Speaker shall appoint members to a standing committee so that its membership is proportional to the partisan composition of the House. The chairman ~~;~~ and the vice-chairman of the Finance and Appropriations Committee ~~;~~ shall not be included in making this calculation. The Minority Leader, in a manner to be determined by the minority caucus, may recommend for the Speaker's consideration minority party members for each committee.

(b) The Speaker, by message to the House, shall name, and may substitute, members of the House to serve on boards, commissions, task forces, and other bodies created by law and on which House members are eligible to serve, except as otherwise provided by the law.

Rule 14. (Speaker directs House officers and employs and directs House employees.) (a) The Speaker shall see that all officers of the House satisfactorily perform their respective duties.

(b) The Speaker shall employ all employees of the House and shall see that they satisfactorily perform their respective duties. All employees of the House are at will employees, and shall serve at the pleasure of the Speaker. A terminated employee's compensation ceases on the day the termination takes effect. The Speaker shall define House employment positions, shall prescribe the qualifications that are to be met by House employees, and shall prescribe the duties of House employees, fix their hours of employment, and determine their compensation. The Speaker shall notify the Minority Leader before terminating an employee who is assigned to the minority caucus.

Rule 15. (Signing acts, resolutions, etc.) The Speaker shall certify that every bill, resolution, joint resolution, or concurrent resolution passed by both houses of the General Assembly has met the procedural requirements for passage by signing such bills, resolutions, joint resolutions, or concurrent resolutions; and all writs, warrants, and subpoenas issued by order of the House shall be under the Speaker's hand attested by the Clerk, except when otherwise provided by law.

#### DUTIES OF THE SPEAKER PRO TEMPORE

Rule 16. (Duties.) Subject to Rule 12, the Speaker Pro Tempore, in the absence of the Speaker, shall have all the rights, privileges, authority, duties, and responsibilities of the Speaker.

#### DUTIES OF MAJORITY FLOOR LEADER

Rule 17. (Duties.) Subject to Rule 12, the Majority Floor Leader, in the

absence of the Speaker and Speaker Pro Tempore, shall have all the rights, privileges, authority, duties, and responsibilities of the Speaker.

#### DUTIES OF ASSISTANT MAJORITY FLOOR LEADER

Rule 18. (Duties.) Subject to Rule 12, the Assistant Majority Floor Leader, in the absence of the Speaker, Speaker Pro Tempore, and Majority Floor Leader, shall have all the rights, privileges, authority, duties, and responsibilities of the Speaker.

#### DUTIES OF THE ~~CHIEF ADMINISTRATIVE OFFICER~~ CLERK

Rule 19. (~~Chief administrative officer Clerk.~~) The ~~Chief Administrative Officer~~ Clerk shall be the chief administrative officer of the House and shall be responsible to the Speaker of the House.

Rule 20. (Supervision of employees; maintenance of parking facilities.)  
(a) Subject to the Speaker's authority under Rule 14, ~~and except for employees whose direction is delegated to the Clerk under Rule 24,~~ responsibility for seeing that employees of the House satisfactorily perform their respective duties is delegated to the ~~Chief Administrative Officer~~ Clerk.

(b) The maintenance and condition of parking facilities under the control of the House shall be under the direction and control of the ~~Chief Administrative Officer~~ Clerk, subject to the approval of the Speaker.

Rule 21. (Distribution of House documents.) The ~~Chief Administrative Officer~~ Clerk shall have charge of and regulate the distribution of all printed records and reports of the House, and shall have supervision of the printing of all documents and papers ordered by the House ~~except those specified in Rule 25 and in section 101.52 of the Revised Code.~~ The number of copies of bills, journals, ~~etc.~~ and other documents to be printed shall be determined by the Clerk with the approval of the Speaker, except when the House by motion determines the number.

#### DUTIES OF THE CLERK

Rule 22. (Legislative duties and responsibilities of the Clerk.) (a) The Clerk is custodian of the bills, amendments, resolutions, and other legislative documents that are in possession of the House. The Clerk shall not permit a bill, amendment, resolution, or other legislative document to be removed from the Clerk's custody except in the course of the regular business of the House and then only upon receiving a receipt for the document that shows when and to whom the document was released. The Clerk shall prescribe the form of the receipt. A bill, amendment, resolution, or other legislative document in the Clerk's custody is available for public inspection.

(b) When a bill or resolution is filed for introduction, the Clerk shall examine the bill or resolution to determine whether on its face it appears to meet the constitutional and procedural requirements for introduction, and shall call any defects to the attention of the author. In fulfilling this duty, the Clerk is not presumed to guarantee the bill meets the constitutional or procedural requirements for introduction.

(c) The Clerk shall number bills and resolutions in the order of their filing, and shall keep a complete and accurate record of bills and resolutions that includes, for each bill or resolution, its number; its author; a brief description of its subject; the section or sections of law it seeks to amend, enact, or repeal, if any; notation of its reference to and report by a committee; and notation of its passage or adoption or rejection by the House. The record is open to public inspection.

(d) The Clerk shall provide to the chairman of a committee to which a bill or resolution is referred, the bill or resolution together with all official papers and other attachments pertaining thereto, taking a receipt therefor.

(e) The Clerk shall prepare and publish a Calendar that gives public notice of bills and resolutions that have been arranged on the Calendar for third consideration or adoption, bills and resolutions that have been reported by committees, and other matters descriptive of the current and future business of the House.

(f) The Clerk shall keep a complete and accurate Journal of the proceedings of the House, beginning it on the first day of the first regular session and ending it on the last day of the second regular session. The Clerk shall maintain a separate Journal for any special session, beginning it on the first day and ending it on the last day of the special session. The pages of the Journal shall be numbered serially. All amendments that are taken up, unless withdrawn, shall be spread upon the Journal.

(g) The Clerk shall superintend the engrossing, enrolling, and presentation of bills and joint resolutions and the preparation and publication of other legislative documents.

(h) The Clerk shall attest all writs and subpoenas issued by order of the House, the Journal, and the passage of bills and the adoption of resolutions. These attestation duties are ministerial.

Rule 23. (May call the House to order.) If the Speaker, Speaker Pro Tempore, Majority Floor Leader, and Assistant Majority Floor Leader are absent, at the hour to which the House shall have adjourned or taken recess, except in the case mentioned in Rule 12, the Clerk ~~shall~~ may call the House to order, and if called to order, the House shall proceed to choose some member to act as ~~such~~ presiding officer until either the Speaker, Speaker Pro Tempore, Majority Floor Leader, or the Assistant Majority Floor Leader shall be present.

Rule 24. (~~Supervision of employees assigned to~~ Composition of the Office of the Clerk.) ~~Subject to the Speaker's authority under Rule 14, and except for employees whose direction is delegated to the Chief Administrative Officer under Rule 20, responsibility for seeing that~~ (a) The office of the Clerk shall be comprised of the Clerk, Deputy Clerk, and employees of the House who are directly involved in the legislative process satisfactorily perform their respective duties is delegated to the Clerk. The Clerk and the Deputy Clerk shall be members of different political parties.

(b) In the absence of the Clerk, the ~~Assistant~~ Deputy Clerk shall assume the responsibilities of the Clerk.

Rule 25. (Printing of papers.) The Clerk shall attend to the printing of the journal, calendar, bills, resolutions, and, if so ordered, committee reports. This rule is cumulative with respect to section 101.52 of the Revised Code.

#### DUTIES OF THE SERGEANT-AT-ARMS

Rule 26. (Sergeant-at-arms.) (a) The Sergeant-at-arms shall be the chief police officer of the House and shall be responsible to the Speaker. Subject to Rules 9, 11, and 109, the Sergeant-at-arms shall maintain good order in the Hall, gallery, corridors, and committee rooms; shall strictly enforce the rules regulating admission of persons to the floor of the House; shall maintain good order in the corridors, committee rooms, offices, and other areas under the exclusive use and control of the House in the Vern Riffe Center; shall serve all subpoenas and warrants issued by the House or any duly authorized officer or committee; and on an order for a call of the House, shall forthwith proceed to arrest and bring members into the House.

(b) The Speaker may also contract for security services for the House.

#### ~~PROVISIONS REGARDING VACANCY OF CLERK, CHIEF ADMINISTRATIVE OFFICER DEPUTY CLERK, AND OR SERGEANT-AT-ARMS~~

Rule 27. (Death or resignation of Clerk, ~~Chief Administrative Officer Deputy Clerk~~, or Sergeant-at-Arms.) In the case of the death or resignation of the Clerk, ~~Chief Administrative Officer Deputy Clerk~~, or Sergeant-at-Arms, the Speaker may designate any individual to perform such duties until such time as the House fills the vacancy.

#### COMMITTEES OF THE HOUSE

Rule 28. (Standing committees and standing subcommittees.) (a) The standing committees and standing subcommittees of the House shall be named by the Speaker.

(b) The standing committees and the standing subcommittees of the House for the ~~127th~~ 128th General Assembly shall be as follows. (The standing committees are designated by Arabic numerals, while the standing subcommittees are designated under their standing committees by Roman numerals.)

- |                   |   |
|-------------------|---|
| 1.                | <u>Aging and Disability Services</u>            |
| 2.                | Agriculture and Natural Resources               |
| <del>2.</del> 3.  | <u>Alternative Energy</u>                       |
| 4.                | Civil and Commercial Law                        |
| <del>3.</del> 5.  | Commerce and Labor                              |
| <del>4.</del> 6.  | <u>Consumer Affairs and Economic Protection</u> |
| 7.                | Criminal Justice                                |
| <del>5.</del> 8.  | Economic Development <del>and Environment</del> |
| <del>6.</del> 9.  | Education                                       |
| 7.                | <del>Alternative Energy</del>                   |
| <del>8.</del> 10. | <u>Elections and Ethics</u>                     |
| 11.               | <u>Environment and Brownfield Development</u>   |



12. Faith-based Initiatives  
13. Finance and Appropriations  
 I. Agriculture and Development Subcommittee  
 II. Higher Education Subcommittee  
 III. Human Services Subcommittee  
 IV. Primary and Secondary Education Subcommittee  
 V. Transportation and Justice Subcommittee  
~~9.~~ 14. Financial Institutions, Real Estate, and Securities  
~~10.~~ 15. Health  
~~11.~~ ~~Healthcare~~  
16. ~~Health~~Care Access and Affordability  
~~12.~~ ~~Infrastructure, Homeland Security, and Veterans Affairs~~  
~~13.~~ 17. Housing and Urban Revitalization  
18. Insurance  
~~14.~~ 19. Judiciary  
~~15.~~ ~~Juvenile and Family Law~~  
~~16.~~ 20. ~~Local and Municipal Government and Urban Revitalization /Public~~  
Administration  
~~17.~~ 21. Public Utilities  
~~18.~~ 22. Public Safety and Homeland Security  
23. Rules and Reference  
~~19.~~ 24. ~~State Government and Elections~~  
~~20.~~ 25. Transportation and Infrastructure  
26. Veterans Affairs  
27. Ways and Means

(c) The Speaker, by message to the House, may abolish any of the standing committees and standing subcommittees created by this rule and may establish additional standing committees or standing subcommittees as the Speaker considers necessary, without amendment of this rule.

(d) The chairmen and members of ~~the standing~~ all committees and subcommittees shall be appointed by the Speaker. The chairman of each standing subcommittee shall be under the direction of the general chairman of the committee.

(e) When the chairman of a standing committee or subcommittee creates a special subcommittee of the standing committee or subcommittee, the ranking minority member on the standing committee or subcommittee may recommend for the ~~chairman's~~ Speaker's consideration the minority membership of the special subcommittee.

(f) Standing committees and standing subcommittees created by this rule are the standing committees and standing subcommittees referred to in section 101.27 of the Revised Code.

Rule 29. (Select committees.) Select committees for the consideration of special measures or matters or the performance of special functions may be appointed by the Speaker, and, subject to the approval of the Speaker, bills and resolutions may be referred to such select committees. Select committees may report on such bills and resolutions as are referred to them.

Rule 30. (Membership on committees.) (a) The first \_named member of any committee or subcommittee shall be the chairman, and the second \_named member of any committee shall be the vice-chairman. The chairman shall select a member of the minority party to be secretary. The minority leader may

designate a ranking minority member on each committee.

(b) In case death, disability, or resignation shall cause a vacancy in the membership or chairmanship of any committee, the Speaker shall appoint another member or chairman.

(c) The Speaker, the Speaker Pro Tempore, and the minority leader shall, by virtue of their office, be members of all committees without voting privileges, except in those committees where they are designated as regular members. The minority leader may designate the assistant minority leader to be a member of a committee without voting privileges in the minority leader's absence, except for those committees where the assistant minority leader is designated as a regular member. They shall not be counted in determining the number constituting a majority on the various committees unless they are designated as regular members.

#### DUTIES AND POWERS OF THE COMMITTEE CHAIRMAN

Rule 31. (Duties.) (a) The duties of the committee chairman shall include: presiding over meetings of the committee and putting all questions; maintaining order and deciding all questions of order; appointing a member as secretary; and supervising and directing the clerical and other employees of the committee.

(b) The chairman of a committee shall not require any person testifying before the committee to provide a written copy of the person's testimony.

Rule 32. (Presentation of Senate Bills.) When a standing committee recommends a Senate Bill for passage, the chairman of the committee, or another member designated by the Speaker, shall, when the bill is called up for passage, cause the bill to be properly presented to the House.

Rule 33. (Subpoena power.) (a)(1) The chairman of a House standing or select committee, when authorized by a majority vote of the standing or select committee, may subpoena witnesses in any part of the state to appear before such committee at a time and place designated in the subpoena to testify concerning any pending or contemplated legislative action, any matters of inquiry committed to the committee, and any alleged breach of the House's privileges or misconduct by any of the House's members. Pursuant

~~Pursuant~~ to this subpoena power, any witness subpoenaed may be ordered to produce books, papers, or records and other tangible evidence.

(2) The chairman shall file any subpoenas authorized pursuant to this rule with the Clerk, who shall cause the same to be entered in the Journal, and the subpoena shall be served pursuant to law. (See sections 101.41 to 101.45 of the Revised Code.)

(b) Within the limits of its charge by the General Assembly or the House and in accordance with section 101.81 of the Revised Code, the chairman of a standing or select committee, by majority vote of the committee, may order any person to appear before the committee and produce books, papers, and other

tangible evidence for the committee with respect to any pending or contemplated legislative action, or any alleged breach of House privileges or misconduct by House members. The chairman shall file the order with the Clerk, who shall cause the same to be entered in the Journal. The order shall be served in accordance with section 101.81 of the Revised Code.

#### COMMITTEE MEETINGS AND PROCEDURE

Rule 34. (Schedule of committee meetings.) The Speaker, after consultation with the chairmen of the several committees, shall set a schedule of times when regular committees shall meet, which, in so far as possible, shall permit a full attendance of the members of committees, without conflict of committee engagements. Such regular schedule shall be announced publicly on the House bulletin board and in the printed Calendar, and each committee shall meet at the hour provided by the schedule, unless otherwise ordered by the chairman of said committee or by the Speaker.

Rule 35. (Committee quorum.) A majority of all members of a committee shall constitute a quorum to do business; but a smaller number may meet to hear testimony and receive evidence and to adjourn from time to time.

Rule 36. (Notice of meetings; none during daily session of House.) (a) The chairman of a standing committee, subcommittee, select committee, or joint committee, not later than five days before a meeting of the committee, subcommittee, select committee, or joint committee, shall give due notice of the meeting. The notice shall identify the committee; identify the chairman; state the date, time, and place at which the meeting will be held; and set forth an agenda showing each bill, resolution, or other matter that will be considered at the meeting.

(b) It is not in order for a committee to meet at a date, time, or place, or to consider any bill, resolution, or other matter at a meeting, other than as stated in the notice of the meeting, unless otherwise ordered by the House or the committee. If, however, an emergency requires consideration of a matter at a meeting, and the matter has not been stated in the notice of the meeting, the chairman may revise or supplement the notice at any time before or during the meeting to include the matter and the matter may then be considered as the emergency requires.

(c) The rule is cumulative with respect to, and amplifies, section 101.15 of the Revised Code.

(d) No committee shall sit during the daily session of the House, unless by special leave of the House. A committee may sit during a recess from the daily session of the House.

Rule 37. (Public hearing required.) (a) All House bills and resolutions introduced on or before the fifteenth day of May in an even-numbered year, and in compliance with the rules of the House, shall be referred to a standing, select, or special committee or standing subcommittee, and shall be scheduled by the chairman of the committee for a minimum of one public hearing.

(b) The sponsor of a bill or resolution shall appear at least once before the committee that is considering the bill or resolution unless excused by the chairman of the committee or the Speaker. It is not in order for the committee to report the bill or resolution unless its sponsor has appeared or has been excused from appearing before the committee.

Rule 38. (Fiscal notes and analyses to be made public.) Any fiscal note and any bill analysis prepared by the staff of the Legislative Service Commission, that has been made available to committee members, shall also be made available to the public under section 101.30 of the Revised Code.

Rule 39. (Synopsis of substitute bill required.) Whenever a substitute bill is accepted by a committee or subcommittee for consideration, the staff of the Legislative Service Commission shall prepare and make available to the committee or subcommittee, a synopsis that summarizes each substantive difference between the substitute bill and the preceding version of the bill, and a synopsis that summarizes the difference in fiscal impact between the substitute bill and the preceding version of the bill. The staff of the Legislative Service Commission shall make these synopses available to the committee before the committee or subcommittee votes on the bill, unless the committee or subcommittee orders otherwise.

Rule 40. (Fiscal analysis; committee vote required.) (a) Before the vote on reporting a bill is taken by a committee, the staff of the Legislative Service Commission shall make available to the committee chairman, who shall make available to all members of the committee, for their review, a fiscal impact statement that addresses the impact of the bill upon state and local government. This requirement applies to a bill only if section 103.143 of the Revised Code also applies to the bill. This requirement is cumulative with respect to section 103.143 of the Revised Code; however, a local impact statement prepared under that section may be used also to fulfill the requirement of this rule in whole or in part.

(b) The affirmative votes of a majority of all members constituting a committee shall be necessary to report a bill or resolution out of committee, and a record of every vote shall be kept by the committee. The affirmative vote of a majority of all the members constituting the committee shall be necessary to agree to any motion to recommend for passage or to postpone indefinitely further consideration of bills or resolutions, and a record of such vote shall be kept by the committee. Every member present shall vote unless excused by the committee.

Rule 41. (Voting; consecutive absences; incurrences of expense.) (a) No proxy vote shall be valid. Nor shall any member vote except while sitting in committee in actual session, unless the member shall have first been present and recorded as such during actual session before the vote is taken, and by motion the roll call on a motion to recommend a bill or resolution for passage is continued for a vote by any member who is temporarily absent from the meeting until the adjournment thereof, which shall be not later than 12:00 o'clock noon

one day following the committee meeting. It is not in order for a member to vote on an amendment unless the member is actually present when the amendment is voted upon.

(b) Three consecutive absences from regular committee meetings shall operate to suspend a member from such committee, unless excused by the chairman of said committee.

(c) No committee or member thereof shall be permitted to incur any expense without first receiving the consent of the Speaker.

Rule 42. (Amendments.) Any paragraph, except one which contains the enacting, amending, or repealing clause, or the title, once amended during any meeting of a committee, other than by passage of a corrective or omnibus amendment, shall not be amended again. For the purpose of this rule, appropriation items shall be considered separate paragraphs and the chairman shall determine what are corrective and omnibus amendments. This rule does not prohibit the acceptance of substitute bills.

#### COMMITTEE RECORDS AND REPORTS

Rule 43. (Record to be kept.) Each committee shall keep a record of committee attendance and the names of all persons who speak before the committee, with the names of the persons, firms, associations, or corporations in whose behalf they appear. A record of every vote shall be kept by the committee.

Rule 44. (Records open to examination; filing of records.) During the period of sessions, committee records shall be open for examination by any member of the House. At reasonable times and subject to adequate safeguards established by the chairman to protect and preserve such records, any citizen of Ohio may also examine committee records. Upon final adjournment of the House, the committee records shall be filed with the Clerk, to be kept for a period of two years, after which time said records shall be filed with the Legislative Service Commission.

Rule 45. (Committee reports.) (a) All reports to the House shall be signed by a majority of the entire committee, except that a standing subcommittee, except Finance and Appropriations Subcommittees, created by these rules may consider bills assigned to it by the Rules and Reference Committee for hearing and a majority of said subcommittee may approve such reports to the House. The secretary shall add to said report the names of those who voted "no." No member shall sign a committee report who was not present at the meeting at which such action was taken and who did not vote in support of such action.

(b) The ~~secretary~~ legislative staff assigned to the chairman of the committee shall prepare, file, and maintain the minutes of every regular or special meeting of a committee. The committee, at its next regular or special meeting, shall approve the minutes prepared, filed, and maintained by the ~~secretary~~ legislative staff, or, if the minutes prepared, filed, and maintained by the ~~secretary~~ legislative staff require correction before their approval, the committee shall correct and approve the minutes at the next following regular or

special meeting. The committee shall make the minutes available for public inspection not later than seven days after the meeting the minutes reflect or not later than the committee's next regular or special meeting, whichever occurs first, and upon making the minutes available shall immediately file a copy of the minutes with the Clerk.

Rule 46. (Filing of reports; inclusion of bills or resolutions.) All committee reports shall be filed with the Clerk, shall be signed by a majority of the committee, and shall be accompanied by the original bill or resolution. Each committee may include in a single report more than one bill or resolution; provided, however, that any bill or resolution amended by a committee or any substitute measure recommended by a committee shall be on a separate report. These reports shall be presented to the House and entered upon the Journal. For each day a committee meets, the committee secretary shall file with the Clerk a report of all actions of the committee taken that day, including a list of bills heard and reports received.

Rule 47. (House rules govern.) The rules governing the procedure of ~~the committee of the whole and~~ the standing and select committees of the House shall be the same as those governing the House, as far as they may be applicable.

#### DUTIES AND DECORUM OF MEMBERS

Rule 48. (Members desiring to speak.) (a) When a member is about to speak in debate or present any matter to the House, the member shall rise, state the purpose for which the member seeks recognition, and, upon recognition by the Speaker or presiding officer, respectfully address the Speaker or presiding officer, confine remarks to the question under debate, and avoid personalities. All debate shall be addressed to the Speaker or presiding officer and not to the members.

(b) Except as provided in Rule 7, no motion is in order by a member if made at the conclusion of a speech by said member unless the House gives unanimous consent.

Rule 49. (From where members may speak.) A member may speak either from the member's seat, or from the seat of any other member, tendered the member for this purpose, or, upon approval of the Speaker or presiding officer, from the Clerk's stand.

Rule 50. (How long member may speak.) No member shall speak upon any single question, bill, or resolution more than a total of twenty minutes on any one legislative day. ~~If a point of order is raised that a member is violating this rule, and unless the member speaking concedes the point of order, the point of order is sustainable only by a two-thirds vote of all the members elected to the House.~~

Rule 51. (Member called to order; question of order; stating question of order.) (a) If any member, in speaking, or otherwise, transgresses the rules of the House, the Speaker or presiding officer shall call the offending member to order. The member so called to order shall take the member's seat immediately, unless

permitted by the Speaker or presiding officer to explain. Any member may, by raising the point of order, call the attention of the Speaker or presiding officer to such transgression. If a member be called to order by another member for offensive words spoken in debate, the member calling the member to order shall, if the Speaker or presiding officer so requires, reduce the objectionable language to writing.

~~Except as provided in Rule 50, all~~ (b) All questions of order and procedure shall be decided by the Speaker without debate, but such decision shall be subject to appeal to the House by any member if supported by four or more other members; on which appeal, no member shall speak more than once, unless by leave of the House, except the member appealing who may speak twice; and the Speaker may speak in preference to any other member. If the decision be in favor of the member called to order, the member shall be at liberty to proceed.

(c) Any member who raises a question of order shall state the rule, statute, or constitutional provision which the member believes is being violated.

Rule 52. (Call of the House, how demanded.) (a) While transacting the business of the House as set forth by the Committee on Rules and Reference and appropriately placed on the calendar, the Speaker or presiding officer or any two members may demand a call of the House, and upon such call being demanded, the roll shall be taken and the absentees shall be noted and sent for, unless otherwise ordered by the House. ~~While~~

(b) While the House is under call, the doors shall be closed and no other business shall be transacted, except to receive and act on the report of the Sergeant-at-arms, which the Sergeant-at-arms may make at any time. Those members who are found to be absent without leave shall be taken into custody forthwith by the Sergeant-at-arms or the Sergeant-at-arms's assistants wherever found, and brought to the Hall of the House. ~~When~~

(c) When the Sergeant-at-arms shall make a report showing that those who were absent without leave (naming them) are present, such report shall be entered upon the Journal and thereupon the pending business shall proceed. A call of the House may be dispensed with at any time by a majority vote of the members present, and further proceedings under the call dispensed with.

Rule 53. (Statement of division of question.) Any member may call for a statement of the question, or for a division of the question; and the decision of the Speaker or presiding officer as to the divisibility shall be subject to appeal, as in the case of questions of order.

Rule 54. (Personal privilege.) Subject to Rule 10, any member may rise to explain a matter personal to self, and on stating it is a matter of personal privilege, the member shall be recognized by the Speaker or presiding officer, but shall not discuss a question or issue in such explanation. Such explanation shall not consume more than five minutes of time unless extended by consent of the House. Matters of personal privilege shall yield only to a motion to recess or

adjourn.

Rule 55. (Member may read from books, etc.) Any member, while discussing a question, may read from books, papers, documents, or any matter pertinent to the subject under consideration, without asking leave.

Rule 56. (Conduct of members.) While the Speaker or presiding officer is putting any question or addressing the House, no one shall walk across the Hall of the House, and when a member is speaking, no one shall pass between the member and the Chair. No member or other person, except the Clerk and the Clerk's assistants, shall be allowed at the Clerk's desk while the votes are being recorded or counted.

#### VOTING PROCEDURE

Rule 57. (Members must vote.) ~~Every~~ (a) Except as otherwise provided in this rule, every member present when the question is put shall vote unless excused by the House or unless the member is the presiding officer and decides not to vote.

(b) A request to be excused from voting shall be accompanied by a brief written statement of the reasons for making such request, which shall be acted upon by the House without debate.

Rule 58. (Yeas and nays, how demanded.) (a) Any member may make a motion to call the yeas and nays upon any question, before the House votes upon a question, when such motion is supported, specifically, by at least one additional member; and upon the call of the yeas and nays, the Speaker or presiding officer shall order the Clerk to call the names of the members alphabetically or use the electric roll call system to record the vote of the members. No member shall vote by facsimile or electronic means other than those electronic devices used by the House in conducting its business. When once begun, voting shall not be interrupted. After the vote is announced, no member shall be allowed to change the member's vote, nor may a member have the member's vote recorded if any three members object thereto.

(b) Before the vote on passage of a bill is taken by the House, the staff of the Legislative Service Commission shall make available to the Speaker or presiding officer, who shall make available to all members of the House, for their review, a fiscal impact statement that addresses the impact of the bill upon state and local government. This requirement applies to a bill only if section 103.143 of the Revised Code also applies to the bill. This requirement is cumulative with respect to section 103.143 of the Revised Code; however, a local impact statement prepared under that section may be used also to fulfill the requirement of this rule in whole or in part.

(c) When taking the yeas and nays on any question to be voted upon, the electric roll call system may be used, and when so used, shall have the same force and effect as a roll call taken as otherwise provided in these rules.

(d) When the House is ready to vote upon any question requiring a roll call and the vote is to be taken by the electric roll call system, the Speaker or



presiding officer shall state the question to be voted on and shall call for the vote. The House shall then proceed to vote. At

At this instant, the Speaker or presiding officer shall direct the clerk to unlock the machine causing a bell to be sounded notifying the members of the roll call. When

When sufficient time has been allowed the members to vote, the Speaker or presiding officer shall ask whether all members have voted and shall direct the Clerk to lock the machine and record the vote. The

The Clerk shall advise the Speaker or presiding officer of the result of the vote, and the Speaker or presiding officer shall announce the result to the House. The Clerk shall enter upon the Journal the result in the manner provided by the rules of the House.

Rule 59. (Voting for another member prohibited.) No proxy vote is valid. No member shall vote for another member, nor shall any person not a member cast a vote for a member. In addition to such penalties as may be prescribed by law, any member ; who shall vote or attempt to vote for another member may be punished in such manner as the Speaker shall bring before the House to determine. If a person not a member shall vote or attempt to vote for any member, the person shall be barred from the House for the remainder of the session and may be further punished in such manner as the Speaker may deem proper, in addition to such punishment as may be prescribed by law.

Rule 60. (Explanation of vote.) A member desiring to explain the member's vote shall make a request therefor, before the House divides or before the call of the yeas and nays is commenced. If such request is granted by unanimous consent of the members of the House, such statement shall not consume more than two minutes of time; nor shall arguments for or against the question be made in the statement. After the roll is closed as provided in Rule 58, no member may explain the member's vote, either orally or in writing.

#### INTRODUCTION AND PROCEDURE ON MEASURES

Rule 61. (Introduction of bills.) (a) All bills to be introduced in the House shall be filed in the Clerk's office , in ~~sexuplicate~~ a number of copies to be determined by the Clerk, not later than one hour prior to the time set for the next convening session. No bill shall be accepted by the Clerk for filing until it has been reviewed as to form by the Legislative Service Commission, unless otherwise approved by the Speaker.

(b) When the time for introducing bills is reached in the regular order of business, the Clerk shall report each of said bills in the order received by the Clerk in the same manner as if the bills were introduced from the floor.

(c) If opposition to the bill be expressed by any member on first consideration, the question shall be put by the Speaker or presiding officer, "Shall the bill be rejected?" If the bill is not rejected by a majority vote of the members present, it shall proceed in the regular order. The question of consideration shall be decided without debate.

(d) Bills introduced prior to the convening of the session under this rule shall be treated as if they were bills introduced on the first day of the session. Between the general election and the time for the next convening session, a member-elect may file bills for introduction in the next session with the Clerk. The Clerk shall number such bills consecutively, in the order in which they are filed, beginning with the number "1".

Rule 62. (Referral to Rules and Reference Committee.) When a bill has been considered the first time, it shall be referred to the Rules and Reference Committee, which shall consider the same and report its recommendation to the House. If it be apparent to said committee that any bill is of a frivolous nature, or that it was not introduced in good faith, or that it is in conflict with or a duplication of an existing statute without making proper provision for the repeal or amendment of such existing statute, said committee shall report said bill back to the House for its return to the author with a notation thereon of the reason for its return. The House may, by a majority vote, order any such bill referred to an appropriate committee; otherwise, it shall be returned by the Clerk to the author, and the Clerk shall make note of the fact in the Journal.

Rule 63. (Report back by Rules and Reference Committee.) All bills which are not returned to the author in accordance with Rule 62, shall be reported back to the House by the Rules and Reference Committee, with recommendation for reference to the proper committee of the House, at which time it shall be considered and distributed after such reference. The Rules and Reference Committee shall make a written report to the House of its action on each bill referred to it, and such report shall be entered on the Journal of the House.

~~Rule 64. (Reference to Committee of the Whole.) When a bill has been referred to the committee of the whole, the House shall determine on what day it shall be considered by the committee.~~

Rule 65. (Bills carrying appropriations.) All bills carrying an appropriation shall be referred to the Finance and Appropriations Committee for consideration and report before being considered the third time.

Rule 66. (Third consideration.) When a bill is ordered to be engrossed it shall be placed upon the Calendar, unless the House by a majority vote otherwise orders, and the Calendar for each day shall contain a list of all bills for third consideration on the succeeding day.

The Rules and Reference Committee of the House shall have the power to arrange the Calendar from day to day.

Rule 67. (Information on Calendar.) If a bill or resolution has been amended prior to its third consideration, the date and page of the House or Senate Journal containing said amendment shall be noted on the Calendar immediately below the title of the bill or resolution. A copy of the amendments or a copy of the section or sections amended with the amendment incorporated shall be supplied each member of the House at the time of third consideration

unless the amendments are not of a substantive nature or the bill or resolution has been reprinted to incorporate the amendments.

Rule 68. (Synopsis of Senate amendments before vote.) Before a vote is taken upon the question of concurrence in Senate amendments to a House bill or resolution, the staff of the Legislative Service Commission shall prepare a synopsis of any substantive amendments made by a Senate committee to the bill or resolution as passed by the House. Before a vote is taken upon a conference committee report, the staff of the Legislative Service Commission, unless otherwise ordered by a majority of the members elected to the House, shall prepare a synopsis that summarizes the recommendations of the conference committee. The staff of the Legislative Service Commission shall prepare and make such a synopsis available to each member at the time the House votes on a question of concurrence in Senate amendments or upon a conference committee report. The Clerk shall provide each member with a copy of amendments made by the Senate during its third consideration of the bill or resolution unless the amendments are ~~not of a substantive nature~~ Clerk's amendments or the bill or resolution has been reprinted to incorporate the amendments.

As used in this rule, "Clerk's amendment" has the meaning defined in Rule 71.

Rule 69. (Senate bills.) All Senate bills, when altered or amended by the House, shall be engrossed in a like manner as House bills preparatory to their third consideration, and all bills ordered to be engrossed shall be authenticated as required by the joint rules.

Rule 70. (Questions on third consideration; bills with objections of Governor.) (a) Unless otherwise ordered by the House, bills on the Calendar for third consideration shall be taken up and read in their order without a motion to that effect, and the question shall be put as to whether the bill shall pass.

(b)(1) Whenever a bill has been disapproved by the Governor and returned to the House with the Governor's objections thereto noted in writing, the question may be put as to whether the bill shall pass, notwithstanding the objections of the Governor.

(2) Whenever an item of a bill making an appropriation of money has been disapproved and returned to the House by the Governor, the question may be put as to whether the item shall pass, notwithstanding the objections of the Governor. Whenever

~~Whenever~~ two or more items of a bill making an appropriation of money have been disapproved and returned to the House by the Governor, the question may be put to take up for consideration the repassage of one or more of the items. Each item so considered shall be voted upon separately.

Rule 71. (Amendments on third consideration.) (a) After a bill has been considered the third time and is up for consideration, it may be amended in any part.

(b) All amendments offered to any bill or resolution from the floor of the House shall be written and submitted to the Clerk.

(c) Every amendment submitted on the floor of the House that is determined to be in order shall be considered.

(d) A member desiring to offer an amendment to any pending proposition shall proceed as follows: the member shall prepare the text of the proposed amendment designating the line or lines where the member desires the proposed amendments to be placed, and then rise in the member's seat and address the Speaker and when recognized say, proceed under Rule 48, saying "move to amend," or words of similar import, as the purpose for which recognition is sought.

(e) Amendments to be offered from the floor of the House during third consideration of a bill or consideration of a resolution shall be filed in the Clerk's office, in a number of copies to be determined by the Clerk, and not later than 10 a.m. on the day on which the bill or resolution is to be taken up, except amendments may be offered without being so filed if:

(1) the sponsor of the amendment is (a) the Majority Floor Leader or the Assistant Majority Floor Leader or (b) the Minority Leader or the Assistant Minority Leader;

(2) the Speaker or presiding officer waives the filing requirement upon the request of the Majority Floor Leader or the Minority Leader;

(3) the bill or resolution to which the amendment is offered is not on the calendar for third consideration or adoption that day; or

(4) the amendment is a Clerk's amendment.

A "Clerk's amendment" is an amendment that makes a technical or typographical change of a nonsubstantive nature, such as correcting a spelling error, correcting inconsistent paragraph lettering, or incorporating the latest version of a section of law that was amended after the bill was drafted.

Rule 72. (When bill may be recommitted.) After the reference to a committee and a report thereon to the House, or at any time before its passage, a bill may be recommitted to a committee.

Rule 73. (Order on Calendar.) Bills for their third consideration, and all special orders, shall be placed upon the Calendar in the order or priority in which the order is made, save and except all bills or resolutions from the further consideration of which a committee has been discharged, which said bills or resolutions shall be placed on the Calendar for consideration upon the second legislative day after the motion to discharge has been agreed to.

Rule 74. (Unfinished business.) Bills for their third consideration on a particular day, not reached on that day, shall be placed first on the Calendar in the order of third consideration on each succeeding day, until disposed of.

Rule 75. (Taking bill out of order.) No bill upon the Calendar shall be taken up out of its order thereon, unless otherwise ordered by a majority vote upon motion.

Rule 76. (Bills become acts.) When a bill has passed the House, the Clerk shall read its title, substituting the word "act" for the word "bill", and the Speaker or presiding officer shall inquire if the House agrees to the title; and if the House is agreed, the Clerk shall make out the title accordingly, and shall certify the passage of the bill upon the back thereof.

~~Immediately after the House has voted to concur in Senate amendments to a bill or resolution, and immediately after the House has voted to accept a conference committee report, a Representative may remove the Representative's name from the bill or resolution by rising and stating this desire to the Speaker. The Clerk shall thereupon remove the Representative's name from the bill or resolution.~~

Rule 77. (House resolutions.) (a) All House joint resolutions which do not propose to amend the Ohio Constitution, or which do not propose to ratify an amendment to the United States Constitution, and all House concurrent resolutions and all House resolutions (hereinafter resolutions) shall be filed with the Clerk in ~~six~~ duplicate a number of copies to be determined by the Clerk. Thereupon, the Clerk shall submit the resolutions to the Committee on Rules and Reference.

(b) Upon receipt from the Clerk of resolutions having a congratulatory, commendatory, or other similar purpose, the Committee on Rules and Reference shall report for adoption, report for introduction and referral, or report for other action, any and all such resolutions. The committee also is authorized not to report any or all of such resolutions having a congratulatory, commendatory, or other similar purpose.

Upon receipt from the Clerk of a resolution, other than one having a congratulatory, commendatory, or other similar purpose, and not later than forty-five days after the resolution was filed with the Clerk, the Committee on Rules and Reference shall report the resolution for adoption or for introduction and referral.

(c) In reporting resolutions for adoption, the Rules and Reference Committee shall have the power to include more than one resolution in any report. A report containing more than one resolution shall list the resolutions by title only. Those resolutions reported for adoption relating to present or past members of the General Assembly or present or past elected state officials shall be reported automatically and separately and shall be read. Sponsors desiring other resolutions to be reported separately for adoption must request such action of the Rules and Reference Committee.

(d) All reports by the Rules and Reference Committee on the adoption of resolutions shall be entertained only under the item of business, "Motions and Resolutions." Such reports shall be voted on in their entirety on the day of the

report, and require only one roll call or voice vote. Titles to such resolutions contained in the report may be amended on the Floor.

(e) Resolutions reported for introduction and referral by the Rules and Reference Committee shall be contained in one report, shall be listed by title only, and shall indicate to what committee the particular resolutions are to be referred. All reports on the introduction of resolutions by the Rules and Reference Committee shall be entertained only under the item of business, "Motions and Resolutions." Such reports shall be voted on in their entirety on the day of the report, and require only one roll call or voice vote.

(f) All House joint resolutions which propose to amend the Constitution of Ohio, or which propose to ratify an amendment to the United States Constitution, shall, for the purpose of House consideration, be treated as though they were bills.

Rule 78. (Senate resolutions.) (a) Upon receipt of a message advising the House that the Senate has adopted a Senate concurrent resolution, or Senate joint resolution which does not propose to amend the Ohio Constitution, or which does not propose to ratify an amendment to the United States Constitution, the presiding officer may bring such resolution up for immediate consideration, or may refer such resolution to the Committee on Rules and Reference.

(b) Upon receipt of such resolution, the Committee on Rules and Reference shall have the power to:

- a) 1. report for adoption;
- b) 2. report for referral; or
- e) 3. report for other action

any or all such resolutions. The Committee shall also have the power not to report any or all such resolutions. The procedure in reporting such resolutions shall be the same as the procedure used to report House resolutions.

(c) All Senate joint resolutions which propose to amend the Constitution of Ohio, or which propose to ratify an amendment to the United States Constitution, shall, for the purpose of House consideration, be treated as though they were bills.

Rule 79. (When yeas and nays taken on resolutions.) Upon the adoption of a resolution involving the expenditure of money, or which determines or involves the right of a member to a seat in the House, the yeas and nays shall be taken and entered on the Journal. Such resolutions shall require a majority of all members elected to the House for adoption except when a greater majority is required by the Constitution.

#### QUESTIONS AND MOTIONS

Rule 80. (Questions.) All questions, whether in committee or before the House, except privileged questions, shall be put in the order in which they are made.

The call for the vote shall be distinctly put in this form, "Those in favor of (as the question may be) say 'yes'," and after the affirmative vote is expressed, "Those of a contrary opinion say 'no'." If the Speaker or presiding officer is in doubt, or a division be called for, the House shall divide and a roll call be taken. The Speaker or presiding officer shall announce the results.

Rule 81. (Motions.) (a) Every motion shall be reduced to writing, if the Speaker or presiding officer or any two members shall so request. A motion that is required to be in writing is not in order unless the writing has been filed with the Clerk. A motion that requires the signatures of members is not in order unless it contains original signatures. No motion may be made via facsimile or other electronic means other than those electronic devices used by the House in conducting its business.

(b) When a motion is made, it shall be stated by the Speaker or presiding officer; or being in writing, it shall be read by the Clerk before debate is had. Such motion may, by leave of the House, be withdrawn at any time before a decision thereon or an amendment thereto is made.

(c) A motion to take from the table is in order only if the rules are suspended for that purpose.

Rule 82. (Motions which take precedence.) When a question is under consideration no motion shall be in order, except the following, which motions shall have precedence in the following order:

1. To adjourn.
2. To take a recess.
3. To reconsider.
4. To proceed to the orders of the day.
5. To lay on the table.
6. To call for the previous question.
7. To postpone to a day certain.
8. To commit or to refer.
9. To amend.
10. To postpone indefinitely.

Rule 83. (No debate permitted.) The following questions shall be decided without debate:

1. To adjourn.
2. To take a recess.
3. To lay on the table.
4. The previous question.

5. To take from the table.
6. ~~To go into the committee of the whole on the orders of the day.~~
7. All questions relating to the priority of business.
8. 7. The question of consideration.
9. 8. The suspension of rules.

Rule 84. (No motion during roll call.) No member shall be allowed to explain the member's vote or discuss the question being voted upon, while the vote is being taken. After the Clerk has commenced to take the vote on any question, no motion shall be in order until a decision has been announced by the Chair.

Rule 85. (Motions to refer to committee.) When a motion is made to refer to a committee, if more than one committee is suggested, the motion shall be put for reference to the committees suggested, in the order in which they are named; but a motion to refer ~~to the committee of the whole~~, to a standing committee ; or a select committee shall have precedence in the order herein named. A motion to refer to a committee may not be reconsidered.

Rule 86. (Motions to lie over one day.) Motions to discharge committees of further consideration of bills and resolutions shall lie over one day before being considered.

Rule 87. (Motion to discharge a committee.) (a) A motion to discharge a committee of further consideration of a bill or resolution which has been referred to such committee thirty calendar days or more prior thereto shall be in order under the order of business, "Motions and Resolutions." Such motion shall be in writing and deposited in the office of the Clerk. ~~¶~~

(b) ~~To~~ initiate a discharge motion a member shall obtain from the Clerk a blank discharge motion and designate the bill to which the discharge motion applies. Before such motion may be filed with the Clerk, there shall be attached thereto the signatures of a majority of the members elected to the House. The member initiating the discharge motion personally shall circulate the motion and witness the signature of each member who signs the motion. ~~A member who has signed the motion may not thereafter remove the member's signature from the motion. The~~

(c) ~~The~~ Clerk shall verify each signature on the motion. Such motion, together with the signatures thereto, shall be printed in the Journal as of the day upon which the motion was filed with the Clerk. ~~Only~~

(d) ~~Only~~ one discharge motion can be presented for each bill or resolution.

Rule 88. (Motion not to be repeated.) A motion to adjourn, a motion to postpone to a day certain, or a motion to postpone indefinitely being decided in the negative, shall not again be in order until after some motion, call, order, or



debate shall have taken place.

Rule 89. (Motion to introduce, when.) No motion to introduce or refer a bill or resolution of any type shall be in order except as provided elsewhere in these Rules.

Rule 90. (Motion to delete and insert, indivisible.) A motion to delete and insert shall be deemed indivisible.

Rule 91. (Amendments.) (a) Every amendment proposed must be germane to the subject of the proposition or to the section or paragraph to be amended.

(b) When an amendment is pending, it shall not be in order to amend the amendment by directing an amendment to any other part of the bill.

(c) An amendment may be amended, but an amendment to an amendment may not be amended. Substitutes for amendments shall not be in order.

(d) If the presiding officer determines that an amendment contains two or more distinct and separate subjects, such amendment may be divided upon the demand of any one member. If an amendment is divided, each branch of the divided amendment shall be considered as though it was introduced as an original amendment.

(e) A vote to table an amendment or an amendment to an amendment shall not carry with it the measure sought to be amended.

(f) Any paragraph, except one which contains the enacting, amending, or repealing clause, or the title, once amended during the same third consideration, other than by the passage of Clerk's amendments, shall not be amended again. For the purpose of this paragraph appropriation line items shall be considered separate paragraphs.

(g) As used in this rule, "Clerk's amendment" has the meaning defined in Rule 71.

Rule 92. (Substitute as amendment.) Substitutes for bills or resolutions for the purpose of amendments shall be treated as original propositions, shall be offered in ~~sexuplicate~~ a number of copies to be determined by the Clerk, and shall retain the same status as the original bill.

Rule 93. (Amendments by committees.) All amendments made in committee shall carry the name of the author of the amendment, and the report of any committee reporting a bill or resolution to the House shall indicate clearly the name of the author of the amendment which shall be entered in the Journal. Amendments made by committees and adopted by the House shall be subject to further amendment. The right to amend any bill or resolution shall extend to any matters added to or stricken from such bill or resolution by a committee.

Rule 94. (Amendments to titles.) (a) Amendments to the title of a House or Senate bill may be offered in committee or on third consideration and shall be

decided without debate, provided that upon third consideration a motion to amend the title may be made by a sponsor; but no amendments shall change the subject dealt with in the original title. Amendments to the title of a House or Senate bill offered on third consideration may be made by electronic means when permitted by the Speaker or presiding officer.

(b) Immediately after the House has voted to concur in Senate amendments to a bill or resolution, and immediately after the House has voted to accept a conference committee report, a Representative may remove the Representative's name from the bill or resolution by rising and stating this desire to the Speaker or presiding officer. The Clerk shall thereupon remove the Representative's name from the bill or resolution.

(c) Amendments to the title of a resolution, other than one having a congratulatory, commendatory, or other similar purpose, may be offered on the floor and may be made by electronic means when permitted by the Speaker or presiding officer. No amendment to the title of a resolution shall change the subject dealt with in the original title.

#### RECONSIDERATION

Rule 95. (Motion to reconsider.) (a) Any motion to reconsider the vote on a bill or resolution must be made by a member who voted with the prevailing side of the question. To be in order, such motion must be made not later than the second legislative day following that on which the vote was taken. The question of reconsideration, if left pending, shall be brought to a vote upon motion of the first-named House sponsor and approval of the House.

(b)(1) In the case of a motion to reconsider the vote on a bill or resolution which failed of passage or adoption, the motion must be supported by five members, or a sufficient number of members who either voted on the prevailing side or who did not previously vote on the question, to achieve a constitutional majority, whichever is less.

(2) In the case of a motion to reconsider the vote on a bill or resolution which passed or was adopted, the motion must be supported only by members who voted with the prevailing side, and the motion must be supported by five members, or a sufficient number of members whose change of position would result in the failure to achieve a constitutional majority, whichever is less.

(3) Reconsideration of a vote on a motion shall be initiated only by a member voting with the prevailing side and to be in order, such motion must be made while the bill or resolution to which the motion is directed is still being considered.

(c) The motion to reconsider shall take precedence over all other questions except a motion to adjourn or to recess, and debate shall be limited to the reason that the matter is to be reconsidered.

(d) The question of reconsideration, having once been decided, shall not be again taken up for consideration, nor shall the bill, resolution, or motion, having once been reconsidered, be again taken up for consideration.

Rule 96. (Vote necessary on reconsideration.) The vote on any question may be reconsidered by a majority of the members voting, a quorum being present.

Rule 97. (Effect of defeat of motion.) When the vote on a bill or resolution is lost, and the vote is reconsidered, the measure shall not be committed thereafter to any other than a standing committee.

Rule 98. (Procedure on motion.) Upon the adoption of a motion to reconsider, the Clerk immediately shall inform the House whether or not such bill or resolution is in the possession of the House. If

If the Clerk reports in the negative, the Clerk shall effect the return of such bill or resolution. When the measure is in the possession of the House, it shall be placed on the Calendar under the appropriate order of business.

Rule 99. (Reconsideration of amendments after adoption of measure.) When it is desired to reconsider the vote on an amendment after the vote has been taken on the adoption of a main motion, it is necessary to reconsider the vote both on the main question and on the amendment. If it is desired to reconsider an amendment to an amendment after the latter has been adopted, both must be reconsidered in order to reach the amendment it is desired to reconsider. When it is thus necessary to reconsider two or three votes, one motion may be made to cover them all, but debate is limited to the question first voted upon.

Rule 100. (Effect of tabling motion.) If a motion to reconsider be laid on the table, it does not carry the bill or resolution with it, and if a motion to reconsider is coupled with a motion to lay on the table, the motion to lay on the table shall be disposed of first; if decided in the negative, the motion to reconsider shall immediately recur.

#### PREVIOUS QUESTION

Rule 101. (How and when previous question put.) The previous question shall be in this form: "Shall the debate now close?" It shall be put after the motion is submitted to the presiding officer in writing and when the member submitting the motion is recognized, and supported by four or more members. The motion shall be sustained by a majority vote, and when put, and until decided, it shall preclude further debate on all amendments and motions, except one motion to adjourn, or one motion to lay on the table. If the previous question is demanded when an amendment to a bill or resolution is under consideration, the previous question shall apply only to the debate on the amendment.

Rule 102. (No debate or appeal.) All incidental questions, or questions of order, arising after a motion is made for the previous question and pending such motion, shall be decided without debate, and shall not be subject to appeal.

Rule 103. (Action after previous question order.) On a motion for the previous question, and prior to voting on the same, a call of the House shall be in order; but after the demand for the previous question shall have been sustained,

no call shall be in order; and the House shall be brought at once to a vote upon the question immediately pending.

Rule 104. (Action when not ordered.) If a motion for the previous question be not sustained, the subject under consideration shall be proceeded with the same as if the motion had not been made.

#### COMMITTEE OF THE WHOLE

~~Rule 105. (Motion takes precedence.) When the House shall be ready to proceed to the orders of the day, a motion to go into committee of the whole on the orders of the day shall have precedence over all other motions, except to adjourn, to take a recess, and for the previous question.~~

~~Rule 106. (Procedure of committee of the whole.) The entire membership of the House shall constitute the committee of the whole. When the House meets as the committee of the whole, the Speaker may appoint in the Speaker's place a chairman who shall preside and vote as other members. In the committee of the whole, bills shall be read by the chairman or Clerk, and be considered section by section, unless it shall be directed otherwise by the committee, leaving the title to be considered last.~~

~~Rule 107. (Amendments to be noted.) The body of the bill shall not be defaced or interlined, but amendments shall be noted by the chairman or Clerk as the same shall be agreed to by the committee and so reported to the House.~~

~~Rule 108. (Consideration of amendments.) When the House convenes again, following a meeting of the committee of the whole, the amendments offered to the bill shall be taken up immediately for consideration, unless otherwise ordered by the House, and be again subject to discussion and amendment before the question of adoption shall be put.~~

#### PRIVILEGES OF THE HOUSE

Rule 109. (Persons admitted to Hall of House.) No person shall be admitted to the Hall of the House except the Governor, members and employees of the two houses, persons charged with any message or paper affecting the business of the House, the authorized representatives of the press, radio, and television, and those invited by a member with the approval of the Speaker or presiding officer or by the order of the House. No former member who is currently a legislative agent registered with the Office of the Legislative Inspector General shall have access to the floor without prior approval of the Speaker or presiding officer.

Rule 110. (Use of Hall not to be granted.) The use of the Hall of the House shall not at any time, except by resolution, be granted for any other than legislative purposes. No committee shall use the Hall of the House for hearings, except upon permission previously granted by the House upon motion.

Rule 111. (Representatives of the press, how admitted.) (a) Representatives of the press who are members of the Legislative Correspondents' Association are entitled to the privilege of the floor of the House, but shall notify

the Speaker or presiding officer prior to exercising the privilege. The Speaker ; ~~or, in the Speaker's absence or presiding officer, or, when the House is not in session,~~ the Clerk, has authority to grant immediate access to the floor of the House to visiting members of the media. ~~Representatives~~

(b) Representatives of the press desiring the privilege of the floor of the House who are not members of the Legislative Correspondents' Association shall make application to the Speaker, and make application with the Legislative Correspondents' Association, and shall state, in writing, for what paper or papers, legislative information services, or magazines, or any affiliate of any of the foregoing they are employed; and further shall state that they are not engaged in the promotion of legislation or the prosecution of claims pending before the General Assembly, and will not become so engaged while allowed the privileges of the floor; and that they are not in any sense the agents or representatives of persons or corporations having legislation before the General Assembly, and will not become either while retaining their privileges. Visiting newswriters and editors and visiting magazine writers and editors may be allowed, temporarily, the privileges herein mentioned, but they must conform to the restrictions prescribed.

(c) The application required by ~~the above~~ division (b) of this rule shall be authenticated in a manner that shall be satisfactory to the executive committee of the Legislative Correspondents' Association, in the case of newspaper, legislative information service, and magazine representatives and in the case of representatives of any affiliate of any of the foregoing. It shall be the duty of the executive committee of the Legislative Correspondents' Association to see that the privileges of the floor shall be granted only to representatives of press associations serving daily newspaper clients, representatives of daily Columbus newspapers, and bona fide telegraphic correspondents of reputable standing in their profession, who represent daily newspapers, or representatives of daily newspapers, or representatives of daily legislative information services, or representatives of magazines, or representatives of any affiliate of any of the foregoing, of known standing and integrity, organized for that one purpose and not controlled by or connected with any association, firm, corporation, or individual representing any trade, profession, or other commercial enterprise, and which have been in continuous and bona fide operation for such a period of years immediately prior to the date of making application for floor privileges as will have made possible the establishment of a reputation for honesty and integrity; and it shall be the duty of the executive committee of the Legislative Correspondents' Association, at its discretion, to report violations of the privileges herein granted to the Speaker. Persons whose chief attention is not given to newspaper correspondence, legislative information service, or magazine correspondence shall not be entitled to the privileges of the floor. ~~No~~

(d)(1) No still photographing during the sessions of the House shall be permitted without notification of the Speaker and the Legislative Correspondents' Association prior to session.

(2) No still photographing during committee hearings of the House shall

be carried on without prior notification of and under conditions prescribed by the chairman of the committee.

Rule 112. (Representatives of radio and television stations and broadcasting networks, how admitted.) (a) Representatives of radio and television stations and broadcasting networks who are members of the Radio and Television Correspondents' Association are entitled to the privilege of the floor of the House, but shall notify the Speaker prior to exercising the privilege. The Speaker ~~, or, in the Speaker's absence or presiding officer, or, when the House is not in session,~~ the Clerk, has authority to grant immediate access to the floor of the House to visiting members of the media. ~~Representatives~~

(b) Representatives of radio and television stations and broadcasting networks desiring the privilege of the floor of the House who are not members of the Radio and Television Correspondents' Association shall make application to the Speaker, and make application with the Radio and Television Correspondents' Association, and shall state, in writing, by what stations or broadcasting network they are employed; and further shall state that they are not engaged in the promotion of legislation or the prosecution of claims pending before the General Assembly, and will not become so engaged while allowed the privileges of the floor; and that they are not, in any sense, the agents or representatives of persons or corporations having legislation before the General Assembly, and will not become either while retaining their privileges. Visiting correspondents and editors may be allowed, temporarily, the privileges herein mentioned, but they must conform to the restrictions prescribed.

(c) The application required by ~~the above~~ division (b) of this rule shall be authenticated in a manner that shall be satisfactory to the officers of the Radio and Television Correspondents' Association of Ohio. It shall be the duty of the Radio and Television Correspondents' Association to see that the privileges of the floor shall be granted only to the representatives of stations and broadcasting networks serving radio and television stations or networks serving such radio and television stations as have been duly licensed by the Federal Communications Commission. It shall be the duty of the officers of the Radio and Television Correspondents' Association, at their discretion, to report violations of the privileges herein granted to the Speaker. Persons whose chief attention is not given to radio and television broadcasting shall not be entitled to the privileges of the floor.

(d)(1) Except as provided in Rule 120, no video taping or filming of sessions of the House shall be carried on without the notification of the Speaker and the Radio and Television Correspondents' Association, and then only under the conditions authorized by the Speaker.

(2) No video taping or filming of committee hearings of the House shall be carried on without the prior notification of and under conditions prescribed by the chairman of the committee.

(e) Audio taping by representatives of the press and of radio and television stations and broadcasting networks accredited pursuant to Rules 111

and 112, shall be permitted during committee hearings upon prior notification of the committee chairman and during House floor sessions upon prior notification of the Speaker or presiding officer.

(f) Live broadcast coverage of floor sessions ~~or committee hearings~~ may be conducted with prior notification of the Speaker or presiding officer, and under such conditions as the Speaker ~~and committee chairman or presiding officer~~ may establish. Live broadcast coverage of committee hearings may be conducted with prior notification of the Speaker, and under such conditions as the Speaker and committee chairman may establish.

Rule 113. (Privileges of the House, how revoked.) Upon complaint in writing, made by any member of the House, addressed to the Speaker, that any person has abused the privileges granted the person, such complaint shall be referred to the standing Committee on Rules and Reference for investigation, and such committee shall notify the person so charged of the time and place for hearing; and if such accusation be sustained, such person or persons shall be barred from the privileges granted.

#### RULES OF THE HOUSE

Rule 114. (How amended.) The rules of the House may be amended. A member who desires to amend the rules shall prepare a resolution that sets forth the proposed amendment and file it ~~in sextuplicate~~ with the Clerk in a number of copies to be determined by the Clerk. The Speaker or presiding officer shall announce the resolution at the next session of the House at which bills are given third consideration, and shall refer the resolution to the Committee on Rules and Reference. A majority of all members elected shall be required for the adoption of the resolution.

Rule 115. (How suspended.) Any rule, or portion thereof, except Rule 2, and as otherwise noted, may be suspended by a two-thirds vote of all the members present.

Rule 115A. (When effective.) These rules take effect upon adoption by the House and remain in effect until the rules of the House of Representatives for the 129th General Assembly are adopted.

Rule 116. (Parliamentary guide.) Mason's Manual of Legislative Procedure (2000), as amplified or clarified in Hughes' American Parliamentary Guide for the Ohio General Assembly (1932), shall govern in all cases not provided for in the foregoing rules.

#### MISCELLANEOUS

Rule 117. (Reintroduction of bill prohibited.) If a House bill or resolution is defeated or indefinitely postponed in the House it shall not be reintroduced during either annual session of the same General Assembly.

Rule 118. (Reintroduction of bill permitted.) A bill which has been passed by the House and defeated or indefinitely postponed by the Senate, may be introduced during the subsequent calendar year of the same General Assembly provided it shall be in the identical language as that passed by the

House. Upon motion made and approved by two-thirds majority, the bill shall be considered on three successive dates and voted upon by the House without reference to committee.

Rule 119. (Index to bill authorized.) Any bill which, when introduced, consists of ten typewritten pages or more, may be accompanied by a printed index showing the contents of such bill.

Rule 120. (Proceedings of the House public; exception.) "The proceedings of the House of Representatives shall be public, except in cases which, in the opinion of two-thirds of those present, require secrecy." (Article II, Section 13, Ohio Constitution.)

Except in cases where secrecy has been approved, all proceedings of the House of Representatives while in voting session shall be broadcast by Ohio Government Telecommunications, and shall be archived. The use of any session video in political or commercial activities is prohibited in all circumstances, unless two-thirds of the the House adopt a resolution granting permission for such a use of the video.

Rule 121. (Committee meetings public.) Each committee and subcommittee shall give notice of each of its regular and special meetings in accordance with division (C) of section 101.15 of the Revised Code as amplified in Rule 36.

Each regular and special meeting of each committee and subcommittee shall be a public meeting that is open to the public at all times in accordance with division (B) of section 101.15 of the Revised Code. Each committee and subcommittee shall prepare, file, and maintain; approve or correct and approve; and make available, minutes of each of its regular and special meetings in accordance with division (B) of section 101.15 of the Revised Code.

Rule 122. (LSC analyses and fiscal notes to be made available at third consideration.) The bill analysis and the fiscal note prepared by the staff of the Legislative Service Commission, that has been made available to the members of the House, shall be made available to the public by the Speaker or presiding officer when the bill to which the analysis or fiscal note pertains receives third consideration in the House.

Rule 123. (Communications devices prohibited on House floor.) Except for uses authorized under Rule 112, no telephones or other electronic communication devices (except for those used by the House in conducting its business) may be used on the floor of the House of Representatives during session for communication with persons inside or outside the Hall of the House, unless authorized by the Speaker.

Rule 124. (Legal counsel.) If the House requires the services of legal counsel, the Speaker shall determine whether the House shall be represented by the Attorney General or by special counsel.



LOUIS W. BLESSING  
KRIS JORDAN  
TRACY HEARD  
MATT SZOLLOSI

JOHN ADAMS  
ALLAN R. SAYRE  
JENNIFER GARRISON

The question being, "Shall the report of the Special Committee on Rules be agreed to and shall the resolution be adopted?"

The yeas and nays were taken and resulted - yeas 91, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Blair
Blessing	Bolon	Book	Boose
Boyd	Bubp	Burke	Carney
Celeste	Chandler	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
Jordan	Koziura	Lehner	Letson
Luckie	Lundy	Maag	Mandel
McClain	McGregor	Mecklenborg	Miller
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-91.

Representative Jones voted in the negative-1.

The report of the Special Committee on Rules was agreed to and the resolution was adopted.

Representative Goyal moved that majority party members asking leave to be absent or absent the week of Wednesday, January 28, 2009, 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 28, 2009, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

## Message from the Speaker

Pursuant to Ohio Revised Code section 103.11, the Speaker hereby appoints the following members to the Ohio Legislative Service Commission:

Speaker Budish, Representatives Szollosi, Garrison, Goyal, Heard Batchelder, and Blessing.

On motion of Representative Szollosi, the House adjourned until Tuesday, February 3, 2009 at 11:00 o'clock a.m.

Attest:

THOMAS L. SHERMAN,  
Clerk.