

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

**WEDNESDAY, FEBRUARY 3, 2010**

ONE HUNDRED THIRTY-EIGHTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, February 3, 2010, 1:30 p.m.**

The House met pursuant to adjournment.

Prayer was offered by Representative Raymond Pryor-85th district, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

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

The Hilliard Davidson High School football team received H. R. No. 207, presented by Representative Grossman-23rd district.

John and Marika Witson, family of Representative Hite-76th district.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 437**-Representatives Baker, Balderson.

Cosponsors: Representatives Adams, J., Adams, R., Bacon, Beck, Blair, Blessing, Boose, Bubp, Combs, Derickson, Evans, Grossman, Hackett, Hall, Huffman, Lehner, McGregor, Morgan, Stebelton, Wachtmann, Wagner, Zehringer.

To amend sections 5747.98 and 5751.98 and to enact sections 5747.81 and 5751.55 of the Revised Code to authorize a nonrefundable tax credit for a business that increases payroll and expands into a vacant facility.

**H. B. No. 438**-Representatives Letson, Stautberg.

Cosponsors: Representatives Murray, Blessing, Grossman, Zehringer, Huffman, Derickson, Bubp, Stebelton, Hackett, Harwood, Wagner, Harris, Mecklenborg, Brown, Domenick, Pillich, Boyd, Batchelder.

To amend sections 2101.11 and 2151.13 of the Revised Code to eliminate personal liability for probate and juvenile judges for the default, malfeasance, or nonfeasance of any appointee or employee.

Said bills were considered the first time.

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

The motion was agreed to.

**MOTIONS AND RESOLUTIONS**

Representative Szollosi moved that the following resolution be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

**H. R. No. 218-Speaker Budish.**

Relative to the election of Richard R. Hollington, Jr. to fill the vacancy in the membership of the House of Representatives created by the resignation of Matthew Dolan of the 98th House District.

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

WHEREAS, Matthew Dolan of the 98th House District has resigned as a member of the House of Representatives of the 128th General Assembly effective January 14, 2010, thus creating a vacancy in the House of Representatives; therefore be it

RESOLVED, By the members of the House of Representatives who are affiliated with the Republican party that Richard R. Hollington, Jr., Republican, having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the House of Representatives from the 98th House District, is hereby elected, effective February 3, 2010, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the House of Representatives from the 98th House District, to fill the vacancy created by the unexpired portion of the term of said Matthew Dolan, ending on December 31, 2010; and be it further

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

The yeas and nays were taken and resulted - yeas 43, nays 0, as follows:

Those who voted in the affirmative were: Representatives

- |          |           |            |           |
|----------|-----------|------------|-----------|
| Adams J. | Adams R.  | Amstutz    | Bacon     |
| Baker    | Balderson | Batchelder | Beck      |
| Blair    | Boose     | Bubp       | Burke     |
| Coley    | Combs     | Daniels    | Derickson |
| Evans    | Gardner   | Goodwin    | Grossman  |

Hackett	Hall	Hite	Hottinger
Huffman	Jordan	Lehner	Maag
Mandel	Martin	McClain	McGregor
Mecklenborg	Morgan	Oelslager	Ruhl
Sears	Snitchler	Stautberg	Stebelton
Uecker	Wagner		Zehringer-43.

The resolution was adopted.

Mr. Hollington was escorted to the bar of the House by Representatives Batchelder, Blessing, Baker, Mandel, Szollosi, S. Williams, Yuko, and Mallory, took the oath of office administered by The Honorable Thomas J. Moyer, Chief Justice of the Ohio Supreme Court, and entered upon the discharge of his duties.

State of Ohio  
County of Franklin

I, Richard R. Hollington, do solemnly swear to support the Constitution of the United States and the Constitution of the State of Ohio, and faithfully to discharge and perform all duties incumbent upon me as a member of the Ohio House of Representatives, according to the best of my ability and understanding; and this I do as I shall answer unto God.

/s/ RICHARD R. HOLLINGTON  
Richard R. Hollington

Sworn to and subscribed before me this 3rd day of February, 2010.

/s/ THOMAS J. MOYER  
Thomas J. Moyer  
Chief Justice  
Ohio Supreme Court

Representative Szollosi moved that the House revert to the fourth order of business, being reports of conference committees.

The motion was agreed to.

### **REPORTS OF CONFERENCE COMMITTEES**

Representative Williams, S. submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on H.J.R. No. 12, Representatives Williams, S., Goyal - et al., having had the same under consideration, recommends to the respective houses as follows:

The resolution as adopted by the House of Representatives with the following amendments:

In line 64, delete " four" and insert " two"; delete " fifty"

In line 67, delete " five" and insert " four"; after "hundred" insert " fifty"

In line 69, after " 2011" insert " , not more than two hundred twenty-five million dollars principal amount of those obligations may be issued in the next fiscal year of issuance"

In line 70, delete " ninety" and insert " seventy-five"

In line 71, reinsert "other"

In line 72, delete everything before the comma

In line 203, after the underlined period insert " Prior to the utilization of an independent reviewer, the state agency proposing to award the support for a project shall provide the name and other descriptive information regarding the independent reviewer to the Governor, the President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House of Representatives. If the recommendations of an independent reviewer with respect to a proposed project are not adopted by the state agency proposing to award the support for the project, the agency shall notify the Governor, the President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House of Representatives of that fact and explain the reasons for not adopting the recommendations."

In line 205, delete " five" and insert " four"; after " hundred" insert " fifty"

In line 206, after " awarded" insert " , promised,"

In line 207, after the underlined comma insert " not more than two hundred twenty-five million dollars may be awarded, promised, or otherwise committed for research and development purposes in fiscal year 2012,"

In line 208, delete " ninety" and insert " seventy-five"; after " awarded" insert " , promised,"

In line 210, delete " 2012" and insert " 2013"

Managers on the Part of the  
House

Managers on the Part of the  
Senate

/s/ SANDRA WILLIAMS  
SANDRA WILLIAMS

/s/ JOHN A. CAREY, JR.  
JOHN A. CAREY, JR.

/s/ JAY P. GOYAL  
JAY P. GOYAL

/s/ TOM NIEHAUS  
TOM NIEHAUS

/s/ RON AMSTUTZ  
RON AMSTUTZ

/s/ DALE MILLER  
DALE MILLER

The question being, "Shall the report of the committee of Conference be agreed to?"

The yeas and nays were taken and resulted - yeas 83, nays 14, 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
DeBose	DeGeeter	Derickson	Dodd
Domenick	Driehaus	Dyer	Fende
Foley	Gardner	Garland	Garrison
Gerberry	Goyal	Grossman	Hackett
Hagan	Hall	Harris	Harwood
Heard	Hite	Hollington	Hottinger
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mallory	Mandel
Martin	McGregor	Mecklenborg	Moran
Murray	Newcomb	Oelslager	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Sayre	Schneider	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Ujvagi	Weddington	Williams B.	Williams S.
Winburn	Yuko		Budish-83.

Those who voted in the negative were: Representatives

Adams J.	Bubp	Burke	Daniels
Evans	Goodwin	Huffman	Jordan
McClain	Morgan	Ruhl	Sears
Wagner			Zehringer-14.

The report of the committee of Conference was agreed to.

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

Representative Blair submitted the following report:

The standing committee on Local Government/Public Administration to which was referred **H. B. No. 35**-Representative Dyer, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SANITARY DISTRICTS FOR REDUCING MOSQUITOES

KATHLEEN CHANDLER	W. CARLTON WEDDINGTON
JOHN DOMENICK	CLAYTON LUCKIE
STEPHEN SLESNICK	KENNY YUKO
TERRY BLAIR	NAN BAKER

TERRY BOOSE  
MARGARET RUHL

TIMOTHY DERICKSON

The report was agreed to.

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

**MOTIONS AND RESOLUTIONS**

Representative Goyal moved that majority party members asking leave to be absent or absent the week of Wednesday, February 3, 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, February 3, 2010, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

**BILLS FOR THIRD CONSIDERATION**

**Sub. H. B. No. 122**-Representative Boyd.

Cosponsors: Representatives Hagan, Letson, Winburn, Slesnick, Yuko.

To enact sections 3964.01 to 3964.03, 3964.05 to 3964.07, 3964.10 to 3964.12, 3964.15 to 3964.17, 3964.21 to 3964.25, 3964.27, and 5111.0210 of the Revised Code to establish standards for physician designations by health care insurers, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 96, nays 1, 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  | Combs     | Daniels    | DeBose     |
| DeGeeter  | Derickson | Dodd       | Domenick   |
| Driehaus  | Dyer      | Evans      | Fende      |
| Foley     | Gardner   | Garland    | Garrison   |
| Gerberry  | Goodwin   | Goyal      | Grossman   |
| Hackett   | Hagan     | Hall       | Harris     |
| Harwood   | Heard     | Hite       | Hollington |
| 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
Wagner	Weddington	Williams B.	Williams S.
Winburn	Yuko	Zehringer	Budish-96.

Representative Coley voted in the negative-1.

The bill passed.

Representative Boyd moved to amend the title as follows:

Add the names: "Belcher, Blessing, Bolon, Brown, Carney, Celeste, Combs, DeBose, Domenick, Evans, Fende, Foley, Garland, Gerberry, Goyal, Harris, Heard, Huffman, Lehner, Luckie, Lundy, Mallory, Moran, Murray, Pillich, Stewart, Ujvagi, Weddington, Williams, B., Williams, S.."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 292**-Representatives Letson, Oelslager.

Cosponsors: Representatives Yuko, Phillips, Ujvagi, Harwood, Domenick, Stebelton, Chandler, Luckie, Foley.

To amend sections 5307.11, 5307.12, 5307.13, 5307.14, and 5307.16 and to enact section 5301.057 of the Revised Code to prohibit transfer fee covenants in certain real estate transactions and to enable a court of common pleas to order a licensed auctioneer to conduct a sale of real property pursuant to a writ of partition, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

02/03/2010

The Honorable Armond Budish, Speaker  
The Ohio House of Representatives  
Columbus, Ohio

Speaker Budish,

Pursuant to House Rule No. 57, I respectfully request that I be excused from voting on **Sub. H. B. No. 292**-Representatives Letson, Oelslager, et al., because it might be construed that I have an interest in the legislation.



Sincerely yours,

/s/ RAYMOND PRYOR  
RAYMOND PRYOR  
State Representative  
85th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 95, nays 1, 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
DeBose	DeGeeter	Derickson	Dodd
Domenick	Driehaus	Dyer	Evans
Fende	Foley	Gardner	Garland
Garrison	Gerberry	Goodwin	Goyal
Grossman	Hackett	Hagan	Hall
Harris	Harwood	Heard	Hite
Hollington	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	Ruhl	Sayre
Sears	Skindell	Slesnick	Snitchler
Stautberg	Stebelton	Stewart	Sykes
Szollosi	Uecker	Ujvagi	Wagner
Weddington	Williams B.	Williams S.	Winburn
Yuko	Zehringer		Budish-95.

Representative Schneider voted in the negative-1.

The bill passed.

Representative Letson moved to amend the title as follows:

Add the names: "Batchelder, Blessing, Boose, Boyd, Brown, Bubp, Carney, Combs, DeBose, Evans, Garland, Garrison, Hackett, Harris, Huffman, Maag, Mallory, Mecklenborg, Murray, Pillich, Sayre, Snitchler, Stewart, Wagner, Winburn."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Message from the Speaker

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

Remove Representative Letson; appoint Representative Boyd.

Clerk's Notation

This is to acknowledge receipt of the report of the Committee of Conference on **H. J. R. No. 12**—Representatives Williams, S., Goyal, et al., on February 2, 2010.

On motion of Representative Szollosi, the House adjourned until Monday, February 8, 2010 at 11:00 o'clock a.m.

Attest:

THOMAS L. SHERMAN,  
Clerk.