

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, MARCH 3, 2009

## SEVENTEENTH DAY

Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, March 3, 2009, 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Representative Matt Huffman-4th district, followed by the Pledge of Allegiance to the Flag.

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

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

Andrew McAfee, a guest of Representative Uecker-66th district.

Lance Corporal John Reedy and Staff Sergeant Lance Doles, guests of Representative Pryor-85th district.

Captain William Rausch and former Specialist Tony Fisher, guests of Representative Pillich-28th district.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 53**-Representative Gardner.

Cosponsors: Representatives Boose, Adams, J., Jordan, Wagner, Huffman, Stebelton.

To enact sections 306.322 and 306.55 of the Revised Code to create an additional procedure for subdivisions to join a regional transit authority that levies a property tax and that includes a county having a population of at least 400,000 and to allow a subdivision that is a member of such a regional transit authority to withdraw from the authority.

**H. B. No. 54**-Representative Morgan.

To amend section 1515.29 and to enact section 6137.112 of the Revised Code to allow a board of county commissioners to adjust the permanent base of a ditch improvement that is used for maintenance fund assessments and to allow a board to use certain ditch maintenance procedures to maintain soil and water conservation district improvements.

**H. B. No. 55**-Representatives Williams, B., Combs.

Cosponsors: Representatives Bolon, Book, Boyd, Chandler, Domenick, Evans, Fende, Foley, Gerberry, Hagan, Harris, Letson, Skindell, Slesnick, Williams, S., Winburn, Yuko.

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

**H. B. No. 56**-Representative Miller.

Cosponsors: Representatives Williams, S., Pillich, Ujvagi, Fende, Okey, Yuko, Boyd, Chandler, Dyer, Koziura, Hall, Winburn, DeBose, Letson.

To amend section 1739.05 and to enact sections 1751.69, 3923.651, and 5111.017 of the Revised Code to require certain health care plans to provide benefits for colorectal examinations and laboratory tests for cancer.

**H. B. No. 57**-Representative Dolan.

To enact section 5.033 of the Revised Code to adopt the spotted salamander as the state amphibian.

Said bills were considered the first time.

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

Representative Blair submitted the following report:

The standing committee on Ways and Means to which was referred **H. B. No. 6**-Representatives Patten, Schneider, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: FILM TAX CREDIT

Representative Letson moved to amend the title as follows:

Add the names: "Winburn, Chandler, Foley, Koziura, Slesnick, Yates."

TOM LETSON	ROLAND WINBURN
KATHLEEN CHANDLER	RON AMSTUTZ
TERRY BLAIR	TERRY BOOSE
MATT HUFFMAN	MIKE FOLEY
JOSEPH KOZIURA	RON MAAG
JEFFREY MCCLAIN	MATT PATTEN
MARK SCHNEIDER	STEPHEN SLESNICK
PETER STAUTBERG	TYRONE K. YATES

The following member voted "NO"

SETH MORGAN

The report was agreed to.

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

### **BILLS FOR THIRD CONSIDERATION**

**Sub. S. J. R. No. 1**-Senators Grendell, Wilson.

Cosponsors: Senators Harris, Patton, Schuler, Schaffer, Hughes, Fedor, Miller, D., Smith, Widener, Miller, R., Wagoner, Carey, Cates, Stewart, Faber, Buehrer, Cafaro, Gibbs, Gillmor, Goodman, Kearney, Morano, Roberts, Sawyer, Schiavoni, Schuring, Turner.

Proposing to enact Section 2r of Article VIII of the Constitution of the State of Ohio to provide compensation to veterans of the Persian Gulf, Afghanistan, and Iraq conflicts, was taken up for consideration the third time.

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

Representative Otterman moved to amend the title as follows:

Add the names: "Representatives Adams, R., Amstutz, Bacon, Balderson, Batchelder, Blair, Blessing, Bolon, Book, Boose, Boyd, Burke, Carney, Celeste, Chandler, Coley, Combs, Daniels, DeBose, DeGeeter, Derickson, Dodd, Dolan, Domenick, Driehaus, Dyer, Evans, Fende, Foley, Gardner, Garland, Garrison, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hagan, Harris, Harwood, Heard, Hite, Hottinger, Huffman, Jordan, Koziura, Letson, Luckie, Lundy, Maag, Mallory, Martin, McClain, McGregor, Mecklenborg, Miller, Moran, Murray, Newcomb, Oelslager, Okey, Otterman, Patten, Phillips, Pillich, Pryor, Ruhl, Sayre, Schneider, Skindell, Slesnick, Snitchler, Stautberg, Stewart, Szollosi, Uecker, Wachtmann, Weddington, Williams, B., Williams, S., Winburn, Yates, Yuko, Zehringer, Budish."

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

03/03/2009

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

Speaker Budish,

Pursuant to House Rule No. 57(b), I respectfully request that I be excused from voting on **Sub. S. J. R. No. 1**-Senators Grendell, Wilson, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ DANNY R. BUBP  
 DANNY R. BUBP  
 State Representative  
 88th House District

The request was granted.

03/03/2009

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

Speaker Budish,

Pursuant to House Rule No. 57(b), I respectfully request that I be excused from voting on **Sub. S. J. R. No. 1**-Senators Grendell, Wilson, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ JOSH MANDEL  
 JOSH MANDEL  
 State Representative  
 17th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 92, nays 3, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Bacon	Baker
Balderson	Batchelder	Blair	Blessing
Bolon	Book	Boose	Boyd
Burke	Carney	Celeste	Chandler
Coley	Combs	Daniels	DeBose
DeGeeter	Derickson	Dodd	Dolan
Domenick	Driehaus	Dyer	Evans
Fende	Foley	Gardner	Garland
Garrison	Gerberry	Goodwin	Goyal
Grossman	Hackett	Hagan	Hall
Harris	Harwood	Heard	Hite
Hottinger	Huffman	Jones	Jordan
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mallory	Martin
McClain	McGregor	Mecklenborg	Miller
Moran	Morgan	Murray	Newcomb
Oelslager	Okey	Otterman	Patten

Phillips	Pillich	Pryor	Ruhl
Sayre	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stewart
Sykes	Szollosi	Uecker	Wachtmann
Weddington	Williams B.	Williams S.	Winburn
Yates	Yuko	Zehringer	Budish-92.

Representatives Adams J., Stebelton, and Wagner voted in the negative-3.

The joint resolution was adopted.

**Sub. H. B. No. 6**-Representatives Patten, Schneider.

Cosponsors: Representatives DeGeeter, Garrison, Harris, Heard, Letson, Luckie, Murray, Newcomb, Szollosi, Yuko, Winburn, Chandler, Foley, Koziura, Slesnick, Yates.

To amend sections 5733.98 and 5747.98 and to enact sections 122.85, 5733.58, and 5747.66 of the Revised Code to authorize refundable, nontransferable credits against the corporation franchise tax or income tax for production of motion pictures in Ohio and to declare an emergency, was taken up for consideration the third time.

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

Representative Huffman moved to amend as follows:

In line 131, delete " twenty-five" and insert " thirty"

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

Representative Garrison moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 52, nays 45, as follows:

Those who voted in the affirmative were: Representatives

Bolon	Book	Boyd	Burke
Carney	Celeste	Chandler	DeBose
DeGeeter	Dodd	Domenick	Driehaus
Dyer	Fende	Foley	Garland
Garrison	Gerberry	Goyal	Hagan
Harris	Harwood	Heard	Koziura
Letson	Luckie	Lundy	Mallory
Miller	Moran	Murray	Newcomb
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Sayre	Schneider
Skindell	Slesnick	Stewart	Sykes
Szollosi	Weddington	Williams B.	Williams S.
Winburn	Yates	Yuko	Budish-52.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
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Baker	Balderson	Batchelder	Blair
Blessing	Boose	Bubp	Coley
Combs	Daniels	Derickson	Dolan
Evans	Gardner	Goodwin	Grossman
Hackett	Hall	Hite	Hottinger
Huffman	Jones	Jordan	Lehner
Maag	Mandel	Martin	McClain
McGregor	Mecklenborg	Morgan	Oelslager
Ruhl	Sears	Snitchler	Stautberg
Stebelton	Uecker	Wachtmann	Wagner
			Zehringer-45.

The motion to amend was laid on the table.

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

Representative Boose moved to amend as follows:

In line 160, delete "twenty" and insert "fifty"

In line 161, delete everything after "than"

In line 162, delete everything before "five"

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

Representative Garrison moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 52, nays 45, as follows:

Those who voted in the affirmative were: Representatives

Bolon	Book	Boyd	Carney
Celeste	Chandler	DeBose	DeGeeter
Derickson	Dodd	Domenick	Driehaus
Dyer	Fende	Foley	Garland
Garrison	Gerberry	Goyal	Hagan
Harris	Harwood	Heard	Koziura
Letson	Luckie	Lundy	Mallory
Miller	Moran	Murray	Newcomb
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Sayre	Schneider
Skindell	Slesnick	Stewart	Sykes
Szollosi	Weddington	Williams B.	Williams S.
Winburn	Yates	Yuko	Budish-52.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Blair
Blessing	Boose	Bubp	Burke
Coley	Combs	Daniels	Dolan
Evans	Gardner	Goodwin	Grossman
Hackett	Hall	Hite	Hottinger

Huffman	Jones	Jordan	Lehner
Maag	Mandel	Martin	McClain
McGregor	Mecklenborg	Morgan	Oelslager
Ruhl	Sears	Snitchler	Stautberg
Stebelton	Uecker	Wachtmann	Wagner
			Zehringer-45.

The motion to amend was laid on the table.

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

The yeas and nays were taken and resulted - yeas 60, nays 37, as follows:

Those who voted in the affirmative were: Representatives

Baker	Bolon	Book	Boose
Boyd	Carney	Celeste	Chandler
DeBose	DeGeeter	Dodd	Dolan
Domenick	Driehaus	Dyer	Fende
Foley	Garland	Garrison	Gerberry
Goyal	Hackett	Hagan	Harris
Harwood	Heard	Hottinger	Koziura
Letson	Luckie	Lundy	Mallory
Mandel	McGregor	Mecklenborg	Miller
Moran	Murray	Newcomb	Oelslager
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Sayre	Schneider
Skindell	Slesnick	Stewart	Sykes
Szollosi	Weddington	Williams B.	Williams S.
Winburn	Yates	Yuko	Budish-60.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Balderson	Batchelder	Blair	Blessing
Bubp	Burke	Coley	Combs
Daniels	Derickson	Evans	Gardner
Goodwin	Grossman	Hall	Hite
Huffman	Jones	Jordan	Lehner
Maag	Martin	McClain	Morgan
Ruhl	Sears	Snitchler	Stautberg
Stebelton	Uecker	Wachtmann	Wagner
			Zehringer-37.

Not having received a constitutional majority, the emergency clause failed of passage.

The question being, "Shall the bill pass?"

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	Blair	Blessing



Bolon	Book	Boose	Boyd
Carney	Celeste	Chandler	Daniels
DeBose	DeGeeter	Derickson	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Foley	Gardner
Garland	Garrison	Gerberry	Goyal
Hackett	Hagan	Harris	Harwood
Heard	Hottinger	Huffman	Jones
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mallory	Mandel
Martin	McGregor	Mecklenborg	Miller
Moran	Murray	Newcomb	Oelslager
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Ruhl	Sayre
Schneider	Sears	Skindell	Slesnick
Snitchler	Stautberg	Stebelton	Stewart
Sykes	Szollosi	Wagner	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko	Zehringer		Budish-83.

Those who voted in the negative were: Representatives

Adams J.	Bubp	Burke	Coley
Combs	Goodwin	Grossman	Hall
Hite	Jordan	McClain	Morgan
Uecker			Wachtmann-14.

The bill passed.

Representative Patten moved to amend the title as follows:

Add the names: "Book, Boyd, Celeste, DeBose, Domenick, Dyer, Fende, Garland, Goyal, Harwood, Lundy, Mallory, Mandel, Miller, Pryor, Stewart, Sykes, Williams, B., Williams, S.."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

#### Message from the Speaker

Pursuant to Ohio Revised Code section 107.12 (D), the Speaker hereby appoints the following members to the Governor's Advisory Board of Faith-Based and Community Initiatives:

Representatives DeBose and Derickson.

On motion of Representative Szollosi, the House adjourned until Wednesday, March 4, 2009 at 1:30 p.m.

Attest:

THOMAS L. SHERMAN,  
Clerk.