

OHIO

House

of

Representatives

JOURNAL

THURSDAY, MARCH 5, 2009

NINETEENTH DAY

Hall of the House of Representatives, Columbus, Ohio
Thursday, March 5, 2009, 1:00 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Reverend Burke of The Faith Place in East Liverpool, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

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

Members of AKTION, guests of Representative Boose-58th district.

John Brocklesby, James Yoho, Jenny Miller, Heather Kenzli, Todd Dilley, and Cheryl Strohm, guests of Representative McClain-82nd district.

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

Representative Morgan submitted the following report:

The standing committee on Finance and Appropriations to which was referred **H. B. No. 2**-Representative Ujvagi, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: TRANSPORTATION BUDGET

LINDA S. BOLON
 VERNON SYKES
 TYRONE K. YATES
 JENNIFER GARRISON
 KATHLEEN CHANDLER
 BARBARA BOYD
 EDNA BROWN
 TED CELESTE
 JOHN PATRICK CARNEY

ROSS MCGREGOR
 JAY P. GOYAL
 MICHAEL J. SKINDELL
 STEPHEN DYER
 LORRAINE M. FENDE
 DENISE DRIEHAUS
 CLAYTON LUCKIE
 PETER S. UJVAGI

The following members voted "NO"

RANDY GARDNER
 BRUCE W. GOODWIN
 DAVE HALL
 MATTHEW J. DOLAN
 RON MAAG
 CHERYL GROSSMAN
 CLYDE EVANS

BARBARA R. SEARS
 SETH MORGAN
 DAVE BURKE
 RON AMSTUTZ
 JEFFREY MCCLAIN
 ROBERT MECKLENBORG

The report was agreed to.

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

Representative Blessing reported for the Rules and Reference Committee recommending that the following House Bills be considered for the second time and referred to the following committees for consideration.

H.B. No. 53 - Representative Gardner, et al

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.

To the committee on Transportation and Infrastructure

H.B. No. 54 - Representative Morgan

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.

To the committee on Environment and Brownfield Development

H.B. No. 55 - Representatives Williams, B. and Combs, et al

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.

To the committee on Criminal Justice

H.B. No. 56 - Representative Miller, et al

TO REQUIRE CERTAIN HEALTH CARE PLANS TO PROVIDE BENEFITS FOR COLORECTAL EXAMINATIONS AND LABORATORY TESTS FOR CANCER.

To the committee on Insurance

H.B. No. 57 - Representative Dolan

TO ADOPT THE SPOTTED SALAMANDER AS THE STATE AMPHIBIAN.

To the committee on State Government

T. TODD BOOK
BARBARA BOYD
MATT LUNDY

JOSEPH KOZIURA
TIMOTHY J. DEGEETER
LOUIS W. BLESSING

JOHN ADAMS
KRIS JORDAN

WILLIAM G. BATCHELDER

Representative Szollosi moved that the House and Constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of all House Bills contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said House Bills were considered the second time and referred as recommended.

MOTIONS AND RESOLUTIONS

Representative Blessing reported for the Rules and Reference Committee recommending that the following House Concurrent Resolution be introduced and referred to the following committee for consideration:

H.C.R. No. 10 - Representatives Snitchler and Slesnick, Oelslager, Okey, Blair, Huffman, Evans, Gardner, Adams, R., Balderson, Otterman, Williams, B., Harwood, Letson, Mecklenborg, Skindell, Garrison, Yates
TO URGE THE 111TH CONGRESS OF THE UNITED STATES TO
ENACT H.R. 229, WHICH PROVIDES FOR THE RETENTION OF THE
NAME OF MOUNT MCKINLEY.

To the committee on State Government

/s/ TODD BOOK

Todd Book, Chair

Representative Szollosi moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolution contained therein be introduced and referred as recommended.

The motion was agreed to.

Said resolution was introduced and referred as recommended.

Representative Goyal moved that majority party members asking leave to be absent or absent the week of Tuesday, March 3, 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 Tuesday, March 3, 2009, 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. 2-Representative Ujvagi.**

To amend sections 121.51, 125.11, 133.52, 151.01, 151.09, 151.40, 955.201, 1548.10, 1548.14, 1751.53, 2911.21, 2949.094, 3781.10, 3905.423, 3923.38, 4163.01, 4163.07, 4501.01, 4501.03, 4501.044, 4501.06, 4501.21, 4501.34, 4503.04, 4503.042, 4503.07, 4503.10, 4503.103, 4503.182, 4503.26, 4503.65, 4505.032, 4505.09, 4505.14, 4506.07, 4506.08, 4506.11, 4507.05, 4507.06, 4507.071, 4507.13, 4507.23, 4507.24, 4507.51, 4507.52, 4509.05, 4511.01, 4511.093, 4511.181, 4511.191, 4511.213, 4513.03, 4513.263, 4519.02, 4519.03, 4519.04, 4519.08, 4519.09, 4519.10, 4519.44, 4519.47, 4519.59, 4519.63, 4561.17, 4561.18, 4561.21, 4981.02, 4981.02, 5501.03, 5501.311, 5501.34, 5502.03, 5502.39, 5502.67, 5502.68, 5515.01, 5515.07, 5517.011, 5525.01, 5525.15, 5531.09, 5537.07, 5537.99, 5735.06, and 5735.141; to enact sections 5.24, 121.53, 122.077, 123.153, 1519.20, 3905.425, 4163.08, 4163.09, 4501.026, 4511.108, 4981.40, 5502.131, 5525.012, 5531.11, 5531.12, 5531.13, 5531.14, 5531.15, 5531.16, 5531.17, 5531.18, 5531.99, 5539.01, 5539.02, 5539.03, 5539.031, 5539.04, 5539.05, 5539.06, 5539.07, 5539.08, 5539.09, 5539.10, and 5539.11; and to repeal sections 955.202 and 5902.09 of the Revised Code and to amend Section 229.10 of Am. Sub. H.B. 67 of the 127th General Assembly, as subsequently amended; and to amend Sections 217.10, 217.11, 239.10, 241.10, 243.10, 243.11, and 503.40 of Am. Sub. H.B. 562 of the 127th General Assembly to make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2009, and ending June 30, 2011, to provide authorization and conditions for the operation of those and other programs, to appropriate federal stimulus moneys received under the American Recovery and Reinvestment Act of 2009, to repeal section 121.53 of the Revised Code on September 30, 2013, 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 Garrison moved to amend as follows:

In line 43, delete "1751.53,"

In line 44, delete "3923.38,"

Delete lines 1285 through 1388

Delete lines 1973 through 2087

In line 9278, delete "1751.53,"; delete "3923.38,"

In line 3 of the title, delete "1751.53,"

In line 4 of the title, delete "3923.38,"

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

The yeas and nays were taken and resulted - yeas 99, nays 0, 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	Brown	Bubp	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	Mandel	Martin
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	Szolloosi	Uecker
Ujvagi	Wachtmann	Wagner	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko	Zehringer		Budish-99.

The motion was agreed to and the bill so amended.

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

Representative Dolan moved to amend as follows:

In line 10285, delete "Expenditures" and insert "No expenditure"

In line 10286, delete "approved by the Controlling Board" and insert "made unless the General Assembly approves the project by law"

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 53, nays 46, as follows:

Those who voted in the affirmative were: Representatives

Bolon	Book	Boyd	Brown
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	Ujvagi	Weddington	Williams B.
Williams S.	Winburn	Yates	Yuko
			Budish-53.

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	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-46.

The motion to amend was laid on the table.

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

Representative Mecklenborg moved to amend as follows:

Delete lines 10724 through 10995

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 54, nays 45, as follows:

Those who voted in the affirmative were: Representatives

Bolon	Book	Boyd	Brown
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
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Sayre
Schneider	Skindell	Slesnick	Stewart
Sykes	Szollosi	Ujvagi	Weddington

Williams B. Yuko	Williams S.	Winburn	Yates Budish-54.
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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	Derickson
Dolan	Evans	Gardner	Goodwin
Grossman	Hackett	Hall	Hite
Hottinger	Huffman	Jones	Jordan
Lehner	Maag	Mandel	Martin
McClain	McGregor	Mecklenborg	Morgan
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 Batchelder moved to amend as follows:

In line 3773, strike through "Application" and insert "Subject to division (K) of this section, application"

Between lines 3783 and 3784, insert:

" (K) Not later than July 1, 2010, the registrar shall adopt rules implementing a commercial fleet licensing and management program that will enable the owners of commercial tractors, commercial trailers, and commercial semitrailers to conduct as many transactions with the bureau and to send as much information to the bureau via the internet as is technologically possible. The registrar shall adopt new rules under this division or amend existing rules adopted under this division as necessary in order to respond to advances in technology.

If international registration plan guidelines and provisions allow member jurisdictions to permit applications for registrations under the international registration plan to be made via the internet, the rules the registrar adopts pursuant to this division shall permit such action."

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 53, nays 46, as follows:

Those who voted in the affirmative were: Representatives

Bolon	Book	Boyd	Brown
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	Ujvagi	Weddington	Williams B.
Williams S.	Winburn	Yates	Yuko Budish-53.

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	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-46.

The motion to amend was laid on the table.

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

Representative Sears moved to amend as follows:

In line 10140, delete everything after "(D)"

Delete lines 10141 through 10144

In line 10145, delete "(E)"

In line 10150, delete "(F)" and insert "(E)"

Delete lines 10161 through 10161a

In line 10162, delete "\$81,326,000" and insert "\$55,781,000"

In line 10163, delete "\$101,743,000" and insert "\$76,198,000"

In line 10166, delete everything after the first comma

In line 10167, delete "Programs,"

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 54, nays 45, as follows:

Those who voted in the affirmative were: Representatives

Bolon	Book	Boyd	Brown
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
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Sayre
Schneider	Skindell	Slesnick	Stewart
Sykes	Szollosi	Ujvagi	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko			Budish-54.

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	Derickson
Dolan	Evans	Gardner	Goodwin
Grossman	Hackett	Hall	Hite
Hottinger	Huffman	Jones	Jordan
Lehner	Maag	Mandel	Martin
McClain	McGregor	Mecklenborg	Morgan
Ruhl	Sears	Snitchler	Stautberg
Stebelton	Uecker	Wachtmann	Wagner
			Zehring-45.

The motion to amend was laid on the table.

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

Representative Wachtmann moved to amend as follows:

Between lines 11086 and 11087, insert:

"Section _____. The Department of Transportation shall not impose the overweight or overdimension vehicle movement permit fees established in rule 5501:2-1-10 of the Ohio Administrative Code including the increases scheduled to take effect on July 1, 2009. Rather, the fees scheduled to take effect on March 1, 2009, shall apply. The Director of Transportation shall apply the fees in the

amounts that were in effect immediately prior to October 16, 2008, and shall amend rule 5501:2-1-10 of the Ohio Administrative Code to comply with this section, but shall not subsequently increase the rates by rule unless otherwise authorized by statute."

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 53, nays 46, as follows:

Those who voted in the affirmative were: Representatives

Bolon	Book	Boyd	Brown
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	Ujvagi	Weddington	Williams B.
Williams S.	Winburn	Yates	Yuko
			Budish-53.

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	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-46.

The motion to amend was laid on the table.

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

Representative Mecklenborg moved to amend as follows:

In line 43, delete "1548.14,"

In line 45, delete "4501.34,"

In line 46, delete "4503.26,"

In line 47, delete "4505.14,"

In line 48, delete "4509.05,"

In line 51, delete "4519.63,"

In line 52, delete "5502.03, 5502.39,"

In line 56, delete "5502.131,"

Delete lines 1184 through 1284

Delete lines 3065 through 3100

Delete lines 3956 through 4014

Delete lines 4310 through 4393

In line 4568, reinsert "two"; delete " eight"

Delete lines 4570 through 4586

Delete lines 5492 through 5531

In line 6832, delete " . plus one dollar and twenty-five"

Delete lines 6833 through 6836

In line 6837, delete " those sections."

In line 6841, delete " . except that the"

Delete lines 6842 through 6847

In line 6848, delete " director of budget and management to make the transfer"

Delete lines 7275 through 7359

Delete lines 7814 through 7903

In line 7907, delete " . fifty cents of each fee collected under"

Delete lines 7908 through 7911

In line 7912, delete " sections."

In line 7918, delete " . except that the director of"

Delete lines 7919 through 7924

In line 7925, delete " make the transfer"

In line 9277, delete "1548.14,"

In line 9279, delete "4501.34,"

In line 9280, delete "4503.26,"

In line 9281, delete "4505.14,"

In line 9283, delete "4509.05,"

In line 9285, delete "4519.63"

In line 9286, delete "5502.03, 5502.39,"

In line 2 of the title, delete "1548.14,"

In line 5 of the title, delete "4501.34,"

In line 7 of the title, delete "4503.26,"; delete "4505.14,"

In line 10 of the title, delete "4509.05,"

In line 13 of the title, delete "4519.63,"

In line 15 of the title, delete "5502.03, 5502.39,"

In line 20 of the title, delete "5502.131,"

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

On motion of Representative Szollosi, the House recessed.

The House met pursuant to recess.

The question recurring, "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 51, nays 46, as follows:

Those who voted in the affirmative were: Representatives

Bolon	Book	Boyd	Brown
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	Okey
Patten	Phillips	Pillich	Pryor
Sayre	Schneider	Skindell	Slesnick
Stewart	Sykes	Szollosi	Ujvagi
Weddington	Williams B.	Williams S.	Winburn
Yates	Yuko		Budish-51.

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	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-46.

The motion to amend was laid on the table.

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

Representative Morgan moved to amend as follows:

In line 9182, reinsert "in compiling"

In line 9183, reinsert "the report"; delete " for"; strike through "evaporation, shrinkage, or other"

In line 9184 strike through "unaccounted-for losses"

In line 9186, delete " one-half" and insert " one"

In line 9190, after "less" insert " one-half of"; reinsert "one"; delete " fifteen one-hundredths of one"

In line 9232, after "5735.141." insert " (A)"

In line 9235, delete " fifteen one-hundredths" and insert " one-half"

Between lines 9237 and 9238, insert:

" (B) Each retail dealer is allowed a vendor discount equal to nine-tenths of one per cent of the motor fuel taxes paid on motor fuel purchased by the retail dealer each semiannual period beginning July 1, 2009, and thereafter. The vendor discount shall be refunded to the retail dealer upon application by the dealer to the tax commissioner within one hundred twenty days after the end of each such semiannual period in the manner prescribed by the tax commissioner. The vendor discount is in addition to any other refund allowed the dealer under division (A) of this section.

(C)"

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 46, as follows:

Those who voted in the affirmative were: Representatives

Bolon	Book	Boyd	Brown
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	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Sayre	Schneider	Skindell
Slesnick	Stewart	Sykes	Szollosi
Ujvagi	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	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-46.

The motion to amend was laid on the table.

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

Representative Goodwin moved to amend as follows:

Between lines 10304 and 10305, insert:

"Section __. OHIO TURNPIKE COMMISSION NOISE MITIGATION PILOT PROJECT

Notwithstanding any other provision of law to the contrary, the Department of Transportation shall enter into an agreement on a reimbursement basis with the Ohio Turnpike Commission for up to \$500,000 from the Highway Operating Fund (Fund 7002). Under the agreement, the Department of Transportation shall pay up to \$250,000 from Fund 7002 in each fiscal year to the Ohio Turnpike Commission, which shall use the money to continue the noise mitigation pilot project required in Section 315.10 of Am. Sub. H.B. 67 of the 127th General Assembly, as subsequently amended by Am. Sub. H.B. 562 of the 127th General Assembly.

The pilot project commenced by the Ohio Turnpike Commission shall be completed and the report containing the results of the pilot project and the projected costs of further implementation shall be submitted to the Turnpike Legislative Review Committee not later than June 30, 2011."

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 54, nays 44, as follows:

Those who voted in the affirmative were: Representatives

Bolon	Book	Boyd	Brown
Carney	Celeste	Chandler	DeBose
DeGeeter	Dodd	Domenick	Driehaus
Dyer	Fende	Foley	Garland
Garrison	Gerberry	Goyal	Hagan
Harris	Harwood	Heard	Koziura
Lehner	Letson	Luckie	Lundy
Mallory	Miller	Moran	Morgan
Murray	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Sayre
Schneider	Skindell	Slesnick	Stewart
Sykes	Szollosi	Ujvagi	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko			Budish-54.

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	Derickson
Dolan	Evans	Gardner	Goodwin
Grossman	Hackett	Hall	Hite
Hottinger	Huffman	Jones	Jordan
Maag	Mandel	Martin	McClain
McGregor	Mecklenborg	Oelslager	Ruhl
Sears	Snitchler	Stautberg	Stebelton
Uecker	Wachtmann	Wagner	Zehringer-44.

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 53, nays 45, as follows:

Those who voted in the affirmative were: Representatives

Bolon	Book	Boyd	Brown
Carney	Celeste	Chandler	DeBose
DeGeeter	Dodd	Domenick	Driehaus
Dyer	Evans	Fende	Foley
Garland	Garrison	Gerberry	Goyal
Hagan	Harris	Harwood	Heard
Koziura	Letson	Luckie	Lundy
Mallory	Miller	Moran	Murray
Okey	Otterman	Patten	Phillips

Pillich	Pryor	Sayre	Schneider
Skindell	Slesnick	Stewart	Sykes
Szollosi	Ujvagi	Weddington	Williams B.
Williams S.	Winburn	Yates	Yuko
			Budish-53.

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	Derickson
Dolan	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.

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 53, nays 45, as follows:

Those who voted in the affirmative were: Representatives

Bolon	Book	Boyd	Brown
Carney	Celeste	Chandler	DeBose
DeGeeter	Dodd	Domenick	Driehaus
Dyer	Fende	Foley	Garland
Garrison	Gerberry	Goyal	Hagan
Harris	Harwood	Heard	Koziura
Letson	Luckie	Lundy	Mallory
McGregor	Miller	Moran	Murray
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Sayre	Schneider
Skindell	Slesnick	Stewart	Sykes
Szollosi	Ujvagi	Weddington	Williams B.
Williams S.	Winburn	Yates	Yuko
			Budish-53.

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	Derickson
Dolan	Evans	Gardner	Goodwin
Grossman	Hackett	Hall	Hite
Hottinger	Huffman	Jones	Jordan
Lehner	Maag	Mandel	Martin

McClain	Mecklenborg	Morgan	Oelslager
Ruhl	Sears	Snitchler	Stautberg
Stebelton	Uecker	Wachtmann	Wagner
			Zehring-45.

The bill passed.

Representative Ujvagi moved to amend the title as follows:

Add the names: "Bolon, Boyd, Brown, Carney, Chandler, DeBose, Domenick, Dyer, Fende, Foley, Garrison, Hagan, Harris, Heard, Koziura, Letson, Luckie, Mallory, Otterman, Patten, Pillich, Pryor, Stewart, Sykes, Szollosi, Weddington, Williams, B., Williams, S., Winburn, Yates, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has passed the following bill in which the concurrence of the House is requested:

Sub. S. B. No. 1 -Senator Hughes

Cosponsors: Senators Carey, Stewart, Widener, Cafaro, Fedor, Gibbs, Gillmor, Husted, Kearney, Miller, R., Morano, Patton, Schaffer, Schiavoni, Schuring, Seitz, Smith, Turner, Wagoner, Wilson, Niehaus

To amend sections 122.151, 133.52, 151.01, 151.09, 151.40, and 164.28 of the Revised Code and to amend Sections 217.10, 217.11, 239.10, 241.10, 243.10, and 243.11 of Am. Sub. H.B. 562 of the 127th General Assembly to implement the additional debt authority for conservation and revitalization programs provided by Section 2q of Article VIII of the Ohio Constitution, to authorize the issuance of that debt, to increase the technology investment tax credit, to make new appropriations for the purpose of continuing programs established by Am. Sub. H.B. 554 of the 127th General Assembly, the Bipartisan Job Stimulus Act, to allocate certain funds for broadband initiative projects and to provide that such funding allocation provisions of this act terminate on June 30, 2013, when section 164.28 of the Revised Code is repealed on that date, and to declare an emergency.

Attest:

Vincent L. Keeran,
Clerk.

Said bill was considered the first time.

Message from the Speaker

Pursuant to House Rules 13, 28, 30, the Speaker hereby makes the following changes to the Human Services Subcommittee:

Remove Representative Bolon; appoint Representative Brown (Chair).

Message from the Speaker

Pursuant to Ohio Revised Code section 181.21, the Speaker hereby appoints the following members to the State Criminal Sentencing Commission:

Representatives Yates and Uecker.

Message from the Speaker

Pursuant to Ohio Revised Code section 101.38, the Speaker hereby appoints the following members to the Ohio Cystic Fibrosis Legislative Task Force:

Representatives Yuko, Garland, and Lehner.

Message from the Speaker

Pursuant to Ohio Revised Code sections 3301.48 and 3301.49, the Speaker hereby appoints Representative B. Williams to the Education Commission of the States.

Message from the Speaker

Pursuant to Ohio Revised Code section 3353.02, the Speaker hereby appoints the following members to the eTech Ohio Commission:

Representatives Dyer and Coley.

Message from the Speaker

Pursuant to Ohio Revised Code section 3701.92(A)(2), the Speaker hereby appoints the following members to the Ohio Hepatitis C Advisory Commission:

Representatives Boyd and Sears.

Message from the Speaker

Pursuant to Sub. H. B. 101, 126th General Assembly, the Speaker hereby appoints the following members to the Local Government Public Notice Task Force:

Representatives Chandler and Ruhl.

Message from the Speaker

Pursuant to Ohio Revised Code section 3701.78, the Speaker hereby appoints the following members to the Commission on Minority Health:

Representatives Brown and Oelslager.

Message from the Speaker

Pursuant to Ohio Revised Code section 4928.58, the Speaker hereby appoints the following members to the Public Benefits Advisory Board:

Representatives S. Williams and Jones.

Message from the Speaker

Pursuant to Ohio Revised Code section 5537.24, the Speaker hereby appoints the following members to the Ohio Turnpike Oversight Committee:

Representatives Hagan, Gerberry, and Goodwin.

On motion of Representative Szollosi, the House adjourned until Tuesday, March 10, 2009 at 11:00 o'clock a.m.

Attest:

THOMAS L. SHERMAN,
Clerk.