

OHIO

House

of

Representatives

JOURNAL

TUESDAY, MARCH 24, 2009

TWENTY-FIFTH DAY

Hall of the House of Representatives, Columbus, Ohio
Tuesday, March 24, 2009, 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Representative Tyrone Yates-33rd 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:

The Delphos St. John's High School football team received H. R. 306, 127th General Assembly, presented by Representative Huffman-4th district.

The 2009 recipients of The University System of Ohio Faculty Innovator Awards received H. R. 33, presented by Speaker Budish-8th district.

Members of the Youth Advisory Committee of Cuyahoga County, guests of the Cuyahoga delegation.

Kenny Holland, a guest of Representative Dyer-43rd district.

Jackson City School fifth grade students, guests of Representative Evans-87th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 93-Representative Skindell.

Cosponsors: Representatives Murray, Letson, Harris, Phillips, Williams, S., Boyd, Domenick, Luckie, Chandler, Okey.

To enact section 4511.531 of the Revised Code to require bicycle operators and passengers under 18 years of age to wear protective helmets when the bicycle is operated on a roadway and to establish the Bicycle Safety Fund to be used by the Department of Public Safety to assist low-income families in the purchase of bicycle helmets.

H. B. No. 94-Representative Skindell.

Cosponsors: Representatives Foley, Patten, Harris, Williams, S., Hagan, Murray, Stewart, Domenick, Koziura.

To amend section 3715.99 and to enact section 3715.93 of the Revised Code regarding prescription drug marketing disclosures.

H. B. No. 95-Representative Skindell.

Cosponsors: Representatives Murray, Evans, Letson, Ujvagi, Phillips, Luckie, Harris, Yuko, DeGeeter, Williams, S., Boyd, Hagan, Stewart, Domenick, Harwood, Bolon, Chandler, Koziura, Okey.

To amend section 2717.01 of the Revised Code to prohibit a court from ordering a statutory change of name for a person who has committed identity fraud or who must register under the SORN Law for having committed a sexually oriented offense or child-victim oriented offense.

H. B. No. 96-Representative Skindell.

Cosponsors: Representatives Murray, Letson, Foley, Yates, Harris, Patten, Phillips, Luckie, Yuko, Williams, S., Boyd, Stebelton, Hagan, Domenick, Oelslager, Weddington, Harwood, Stewart, Bolon, Chandler, Brown, Okey.

To amend section 901.99 and to enact section 901.80 of the Revised Code to require the inclusion of a bittering agent in engine coolant and antifreeze.

H. B. No. 97-Representative Zehringer.

Cosponsors: Representatives Huffman, Grossman, Gardner, Bulp, Combs, Evans, Stebelton, Domenick, Hall, Okey, Ujvagi.

To amend sections 3717.43 and 3717.47 of the Revised Code regarding temporary food service operations.

H. B. No. 98-Representative Combs.

Cosponsors: Representatives Huffman, Grossman, Bulp, Evans, Stebelton, Harwood, Chandler, Okey, Derickson, Newcomb.

To amend sections 2950.01, 2950.11, 2950.12, and 2950.13 of the Revised Code to provide notice to a long-term care facility when a Tier III or similar category sex offender/child-victim offender indicates an intent to reside in the facility or registers an address within the specified geographical notification area including the facility.

H. B. No. 99-Representatives Weddington, Yates.

Cosponsors: Representatives Luckie, Heard, Chandler, Domenick, Yuko, Evans, Williams, S.

To amend sections 109.573, 2901.07, 2953.21, 2953.23, 2953.71, 2953.72, 2953.73, 2953.74, 2953.75, 2953.76, 2953.77, 2953.78, 2953.79, 2953.81, 2953.83, and 2953.84, to enact sections 105.912, 109.561, 2933.81, 2933.82, and 2933.83, and to repeal section 2953.82 of the Revised Code relative to the expansion of DNA testing for certain convicted felons, the elimination of the DNA testing mechanism for felons who pleaded guilty or no contest to the offense, the collection of DNA specimens from all persons eighteen years of

age or older who are arrested for a felony offense, the preservation and accessibility of biological evidence in a criminal or delinquency investigation or proceeding, the improvement of eyewitness identification procedures, and the electronic or audio recording of custodial interrogations.

Said bills were considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Am. Sub. H. B. No. 2**-Representative Ujvagi, et al., were taken up for consideration.

Am. Sub. H. B. No. 2-Representative Ujvagi.

Cosponsors: Representatives 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.

To amend sections 121.51, 133.52, 151.01, 151.09, 151.40, 955.201, 1345.52, 1547.11, 1548.10, 1751.53, 2911.21, 2949.094, 3781.01, 3781.10, 3781.12, 3781.19, 3905.423, 3923.38, 4501.01, 4501.03, 4501.21, 4503.03, 4503.10, 4503.103, 4503.191, 4505.032, 4505.09, 4506.07, 4506.11, 4506.17, 4507.06, 4507.13, 4507.51, 4507.52, 4511.01, 4511.181, 4511.19, 4511.191, 4511.21, 4511.213, 4513.34, 4517.021, 4519.02, 4519.03, 4519.04, 4519.08, 4519.09, 4519.10, 4519.44, 4519.47, 4519.59, 4561.17, 4561.18, 4561.21, 4740.14, 4765.37, 4765.38, 4765.39, 4928.64, 4928.65, 5501.311, 5501.51, 5502.67, 5502.68, 5515.01, 5515.07, 5517.011, 5525.15, 5531.09, 5537.07, 5537.99, 5541.05, 5571.20, and 5577.042; to enact sections 5.24, 121.53, 122.077, 123.153, 167.081, 3905.425, 3905.426, 4501.026, 4511.108, 5501.60, 5533.93, and 5537.30; 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 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 make changes to the Residential Construction Advisory Committee and to require the Board of Building Standards to adopt residential building code rules only after receiving recommendations from the Residential Construction Advisory Committee, to repeal section 121.53 of the Revised Code on September 30, 2013, to further amend sections 1751.53 and 3923.38 of the Revised Code, effective January 1, 2010, to revive the law as it existed prior to this act, and to declare an emergency.

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

The yeas and nays were taken and resulted - yeas 6, nays 92, as follows: Representatives Amstutz, Baker, Hall, McGregor, Morgan, and Wagner voted in the affirmative-6.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Bacon	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	Harris
Harwood	Heard	Hite	Hottinger
Huffman	Jones	Jordan	Koziura
Lehner	Letson	Luckie	Lundy
Maag	Mallory	Mandel	Martin
McClain	Mecklenborg	Miller	Moran
Murray	Newcomb	Oelslager	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Ruhl	Sayre	Schneider
Sears	Skindell	Slesnick	Snitchler
Stautberg	Stebelton	Stewart	Sykes
Szollosi	Uecker	Ujvagi	Wachtmann
Weddington	Williams B.	Williams S.	Winburn
Yates	Yuko	Zehringer	Budish-92.

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

The Senate amendments were not concurred in.

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 **Sub. H. B. No. 15**-Representative Sykes, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: BUREAU OF WORKERS' COMPENSATION
APPROPRIATIONS

Representative Bolon moved to amend as follows:

In line 808, delete "\$41,123,100" and insert "\$38,921,190"

The motion was agreed to and the bill so amended.

RANDY GARDNER
 BARBARA BOYD
 TYRONE K. YATES
 BARBARA R. SEARS
 PETER S. UJVAGI
 KATHLEEN CHANDLER
 ROSS MCGREGOR
 DENISE DRIEHAUS
 DAVE HALL
 RON AMSTUTZ
 JEFFREY MCCLAIN
 RON MAAG
 CLAYTON LUCKIE
 CLYDE EVANS
 DAVE BURKE

JENNIFER GARRISON
 TED CELESTE
 STEPHEN DYER
 JOHN PATRICK CARNEY
 LORRAINE M. FENDE
 EDNA BROWN
 JAY P. GOYAL
 BRUCE W. GOODWIN
 LINDA S. BOLON
 ROBERT MECKLENBORG
 CHERYL GROSSMAN
 SETH MORGAN
 VERNON SYKES
 MICHAEL J. SKINDELL

The report was agreed to.

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

Representative Morgan submitted the following report:

The standing committee on Finance and Appropriations to which was referred **H. B. No. 16**-Representative Sykes, et al., having had the same under consideration, reports it back and recommends its passage.

RE: INDUSTRIAL COMMISSION APPROPRIATIONS

JENNIFER GARRISON
 VERNON SYKES
 BARBARA BOYD
 TYRONE K. YATES
 ROSS MCGREGOR
 MICHAEL J. SKINDELL
 JEFFREY MCCLAIN
 BRUCE W. GOODWIN
 JOHN PATRICK CARNEY
 LORRAINE M. FENDE
 CLYDE EVANS
 BARBARA R. SEARS
 RON AMSTUTZ
 PETER S. UJVAGI

LINDA S. BOLON
 KATHLEEN CHANDLER
 CLAYTON LUCKIE
 TED CELESTE
 JAY P. GOYAL
 STEPHEN DYER
 EDNA BROWN
 DAVE BURKE
 DAVE HALL
 RON MAAG
 CHERYL GROSSMAN
 SETH MORGAN
 DENISE DRIEHAUS

The report was agreed to.

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

BILLS FOR THIRD CONSIDERATION**Am. Sub. H. B. No. 15**-Representative Sykes.

Cosponsor: Representative Dodd.

To amend sections 121.52, 4121.12, 4121.125, 4121.62, 4121.70, and 4123.34 of the Revised Code to create the Deputy Inspector General for the Bureau of Workers' Compensation and Industrial Commission Fund; to make other changes to the Workers' Compensation Law; to make appropriations for the Bureau of Workers' Compensation and for the Workers' Compensation Council for the biennium beginning July 1, 2009, and ending June 30, 2011; and to provide authorization and conditions for the operation of the Bureau's and the Council's programs, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative McGregor moved to amend as follows:

Between lines 897 and 898, insert:

"Section 231. During the time period that begins on the effective date of this section and ends on June 30, 2011, the Administrator of Workers' Compensation or the Bureau of Workers' Compensation Board of Directors shall not modify or eliminate the Bureau of Workers' Compensation Drug-Free Workplace Discount Program or the Bureau of Workers' Compensation Drug-Free Workplace Discount Program for Small Employers."

After line 918, insert:

"The enactment of Section 231 of this act."

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 51, nays 47, 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	Harris
Harwood	Heard	Koziura	Letson
Luckie	Lundy	Mallory	Miller
Moran	Murray	Newcomb	Okey
Otterman	Patten	Phillips	Pillich
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	Pryor	Ruhl	Sears
Snitchler	Stautberg	Stebelton	Uecker
Wachtmann	Wagner		Zehringer-47.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Mecklenborg moved to amend as follows:

In line 14, after "4121.70," insert "4123.29,"

Between lines 635 and 636, insert:

"Sec. 4123.29. (A) The administrator of workers' compensation, subject to the approval of the bureau of workers' compensation board of directors, shall do all of the following:

(1) Classify occupations or industries with respect to their degree of hazard and determine the risks of the different classes according to the categories the national council on compensation insurance establishes that are applicable to employers in this state;

(2)(a) Fix the rates of premium of the risks of the classes based upon the total payroll in each of the classes of occupation or industry sufficiently large to provide a fund for the compensation provided for in this chapter and to maintain a state insurance fund from year to year. The administrator shall set the rates at a level that assures the solvency of the fund. Where the payroll cannot be obtained or, in the opinion of the administrator, is not an adequate measure for determining the premium to be paid for the degree of hazard, the administrator may determine the rates of premium upon such other basis, consistent with insurance principles, as is equitable in view of the degree of hazard, and whenever in this chapter reference is made to payroll or expenditure of wages with reference to fixing premiums, the reference shall be construed to have been made also to such other basis for fixing the rates of premium as the administrator may determine under this section.

(b) If an employer elects to obtain other-states' coverage pursuant to section 4123.292 of the Revised Code through either the administrator, if the administrator elects to offer such coverage, or an other-states' insurer, calculate the employer's premium for the state insurance fund in the same manner as otherwise required under division (A) of this section and section 4123.34 of the

Revised Code, except that when the administrator determines the expenditure of wages, payroll, or both upon which to base the employer's premium, the administrator shall use only the expenditure of wages, payroll, or both attributable to the labor performed and services provided by that employer's employees when those employees performed labor and provided services in this state only and to which the other-states' coverage does not apply.

(c) The administrator in setting or revising rates shall furnish to employers an adequate explanation of the basis for the rates set.

(3) Develop and make available to employers who are paying premiums to the state insurance fund alternative premium plans. Alternative premium plans shall include retrospective rating plans. The administrator may make available plans under which an advanced deposit may be applied against a specified deductible amount per claim.

(4)(a) Offer to insure the obligations of employers under this chapter under a plan that groups, for rating purposes, employers, and pools the risk of the employers within the group provided that the employers meet all of the following conditions:

(i) All of the employers within the group are members of an organization that has been in existence for at least two years prior to the date of application for group coverage;

(ii) The organization was formed for purposes other than that of obtaining group workers' compensation under this division;

(iii) The employers' business in the organization is substantially similar such that the risks which are grouped are substantially homogeneous;

(iv) The group of employers consists of at least one hundred members or the aggregate workers' compensation premiums of the members, as determined by the administrator, are expected to exceed one hundred fifty thousand dollars during the coverage period;

(v) The formation and operation of the group program in the organization will substantially improve accident prevention and claims handling for the employers in the group;

(vi) Each employer seeking to enroll in a group for workers' compensation coverage has an industrial insurance account in good standing with the bureau of workers' compensation such that at the time the agreement is processed no outstanding premiums, penalties, or assessments are due from any of the employers.

(b) If an organization sponsors more than one employer group to participate in group plans established under this section, that organization may submit a single application that supplies all of the information necessary for each group of employers that the organization wishes to sponsor.

(c) In providing employer group plans under division (A)(4) of this

section, the administrator shall consider an employer group as a single employing entity for purposes of group rating. No employer may be a member of more than one group for the purpose of obtaining workers' compensation coverage under this division.

(d) At the time the administrator revises premium rates pursuant to this section and section 4123.34 of the Revised Code, if the premium rate of an employer who participates in a group plan established under this section changes from the rate established for the previous year, the administrator, in addition to sending the invoice with the rate revision to that employer, shall send a copy of that invoice to the third-party administrator that administers the group plan for that employer's group.

(e) In providing employer group plans under division (A)(4) of this section, the administrator shall establish a program designed to mitigate the impact of a significant claim that would come into the experience of a private, state fund group-rated employer for the first time and be a contributing factor in that employer being excluded from a group-rated plan. The administrator shall establish eligibility criteria and requirements that such employers must satisfy in order to participate in this program. For purposes of this program, the administrator shall establish a discount on premium rates applicable to employers who qualify for the program.

(f) In no event shall division (A)(4) of this section be construed as granting to an employer status as a self-insuring employer.

(g) The administrator shall develop classifications of occupations or industries that are sufficiently distinct so as not to group employers in classifications that unfairly represent the risks of employment with the employer.

(5) Generally promote employer participation in the state insurance fund through the regular dissemination of information to all classes of employers describing the advantages and benefits of opting to make premium payments to the fund. To that end, the administrator shall regularly make employers aware of the various workers' compensation premium packages developed and offered pursuant to this section.

(6) Make available to every employer who is paying premiums to the state insurance fund a program whereby the employer or the employer's agent pays to the claimant or on behalf of the claimant the first fifteen thousand dollars of a compensable workers' compensation medical-only claim filed by that claimant that is related to the same injury or occupational disease. No formal application is required; however, an employer must elect to participate by telephoning the bureau after July 1, 1995. Once an employer has elected to participate in the program, the employer will be responsible for all bills in all medical-only claims with a date of injury the same or later than the election date, unless the employer notifies the bureau within fourteen days of receipt of the notification of a claim being filed that it does not wish to pay the bills in that claim, or the employer notifies the bureau that the fifteen thousand dollar

maximum has been paid, or the employer notifies the bureau of the last day of service on which it will be responsible for the bills in a particular medical-only claim. If an employer elects to enter the program, the administrator shall not reimburse the employer for such amounts paid and shall not charge the first fifteen thousand dollars of any medical-only claim paid by an employer to the employer's experience or otherwise use it in merit rating or determining the risks of any employer for the purpose of payment of premiums under this chapter. If an employer elects to enter the program and the employer fails to pay a bill for a medical-only claim included in the program, the employer shall be liable for that bill and the employee for whom the employer failed to pay the bill shall not be liable for that bill. The administrator shall adopt rules to implement and administer division (A)(6) of this section. Upon written request from the bureau, the employer shall provide documentation to the bureau of all medical-only bills that they are paying directly. Such requests from the bureau may not be made more frequently than on a semiannual basis. Failure to provide such documentation to the bureau within thirty days of receipt of the request may result in the employer's forfeiture of participation in the program for such injury. The provisions of this section shall not apply to claims in which an employer with knowledge of a claimed compensable injury or occupational disease, has paid wages in lieu of compensation or total disability.

(B) The administrator, with the advice and consent of the board, by rule, may do both of the following:

(1) Grant an employer who makes the employer's semiannual premium payment at least one month prior to the last day on which the payment may be made without penalty, a discount as the administrator fixes from time to time;

(2) Levy a minimum annual administrative charge upon risks where semiannual premium reports develop a charge less than the administrator considers adequate to offset administrative costs of processing.

(C) In adopting rules under this section and section 4123.34 of the Revised Code to establish or revise premium rates or to establish or revise a program offered by the administrator that affects premium rates, the administrator shall adopt those rules not later than one year prior to the policy year in which the premium rates that are established or revised, or that are affected by an established or revised program, are to be in effect."

In line 771, after "4121.70," insert "4123.29,"

In line 2 of the title, after "4121.70," insert "4123.29,"

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	Brown
Carney	Celeste	Chandler	DeBose
DeGeeter	Dodd	Domenick	Driehaus
Dyer	Fende	Foley	Garland
Garrison	Gerberry	Goyal	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-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	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 bill pass?"

Representative Mecklenborg moved to amend as follows:

Between lines 769 and 770, insert:

" (G) If an employee suffers an injury as a result of an incident caused by a third party and not by the employee, the employee's employer, or another employee of the employee's employer, the administrator shall pay the compensation or benefits determined to be due to the employee under this chapter or Chapter 4121. of the Revised Code for that injury, or if the employee dies as a result of the injury, due to the dependents of the employee, from the surplus fund account created in division (B) of this section. If the employee's employer pays premiums into the state insurance fund, the administrator shall not charge the payment of that compensation or benefits to the experience of the employee's employer. If the employee's employer is a self-insuring employer, the administrator shall not require the self-insuring employer to include the payment of that compensation or benefits in the self-insuring employer's report of paid compensation required under section 4123.35 of the Revised Code. A determination made under this

division shall be used only as a factor in determining an employer's experience for purposes of calculating the employer's premium due under this chapter or for determining the amount of paid compensation that a self-insuring employer must report under section 4123.35 of the Revised Code and shall not be used in any other action. The administrator, with the advice and consent of the board and in accordance with Chapter 119. of the Revised Code, shall adopt rules to implement this division."

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

Representative Skindell 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	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-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 bill pass?"

The yeas and nays were taken and resulted - yeas 90, nays 8, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Bacon	Balderson	Batchelder
Blair	Blessing	Bolon	Book

Boyd	Brown	Burke	Carney
Celeste	Chandler	Coley	Daniels
DeBose	DeGeeter	Derickson	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Foley	Gardner
Garland	Garrison	Gerberry	Goodwin
Goyal	Grossman	Hackett	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	Oelsluger	Okey	Otterman
Patten	Phillips	Pillich	Pryor
Ruhl	Sayre	Schneider	Sears
Skindell	Slesnick	Snitchler	Stautberg
Stewart	Sykes	Szollosi	Ujvagi
Wachtmann	Wagner	Weddington	Williams B.
Williams S.	Winburn	Yates	Yuko
Zehringer			Budish-90.

Representatives Adams J., Adams R., Baker, Boose, Bubp, Combs, Stebelton, and Uecker voted in the negative-8.

The bill passed.

Representative Sykes moved to amend the title as follows:

Add the names: "Bolon, Boyd, DeBose, Domenick, Dyer, Foley, Harris, Koziura, Letson, Luckie, Mallory, Moran, Stewart, Szollosi, Ujvagi, Weddington, Williams, B., Williams, S., Yates, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 16-Representative Sykes.

Cosponsors: Representatives Dodd, Letson, Dyer, Phillips.

To make appropriations for the Industrial Commission for the biennium beginning July 1, 2009, and ending June 30, 2011, and to provide authorization and conditions for the operation of Commission programs, 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 2, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Bacon	Baker
Balderson	Batchelder	Blair	Blessing
Bolon	Book	Boose	Boyd
Brown	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	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	Szollosi
Uecker	Ujvagi	Wachtmann	Wagner
Weddington	Williams B.	Williams S.	Winburn
Yates	Yuko	Zehringer	Budish-96.

Representatives Adams J. and Bubp voted in the negative-2.

The bill passed.

Representative Sykes moved to amend the title as follows:

Add the names: "Bolon, Brown, Combs, Domenick, Foley, Gerberry, Goyal, Harris, Heard, Koziura, Luckie, Mallory, Moran, Pryor, Slesnick, Stewart, 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.

On motion of Representative Szollosi, the House recessed.

The House met pursuant to recess.

Representative Carney moved that the House revert to the fifth order of business, being reports of standing and select committees and bills for second consideration.

The motion was agreed to.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

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. 80 - Representative Domenick, et al
TO REQUIRE THAT ALL NEW SCHOOL BUSES BE EQUIPPED WITH

A SINGLE WHITE STROBE LIGHT TO BE ACTIVATED AT ALL TIMES WHEN THE BUS IS TRANSPORTING PASSENGERS.

To the committee on Public Safety and Homeland Security

H.B. No. 81 - Representatives Boyd and Gardner, et al

TO REQUIRE CERTAIN HEALTH CARE POLICIES, CONTRACTS, AGREEMENTS, AND PLANS TO PROVIDE BENEFITS FOR EQUIPMENT, SUPPLIES, AND MEDICATION FOR THE DIAGNOSIS, TREATMENT, AND MANAGEMENT OF DIABETES AND FOR DIABETES SELF-MANAGEMENT EDUCATION.

To the committee on Insurance

H.B. No. 82 - Representative Boyd, et al

TO DIRECT THE CAPITOL SQUARE REVIEW AND ADVISORY BOARD TO PROMOTE ERECTION ON THE CAPITOL GROUNDS OF A MONUMENT HONORING THE OHIO TUSKEGEE AIRMEN.

To the committee on State Government

H.B. No. 83 - Representative Boyd, et al

TO PROVIDE FOR THE REPORTING OF ASSAULTS IN PUBLIC SCHOOLS TO SCHOOL ADMINISTRATORS AND LAW ENFORCEMENT AUTHORITIES.

To the committee on Education

H.B. No. 84 - Representative Boyd, et al

TO REQUIRE HEALTH-TRAINED PERSONNEL TO PERFORM A MEDICAL, DENTAL, AND MENTAL HEALTH SCREENING ON EACH INMATE UPON ARRIVAL AT A JAIL, TO ESTABLISH PROCEDURES THAT HEALTH-TRAINED PERSONNEL MUST FOLLOW IF AN INMATE IS TAKING XANAX, ATIVAN, VALIUM, OR ANY OTHER BENZODIAZEPINE, AND TO PROVIDE THAT THE SHERIFF ENSURE THAT HEALTH-TRAINED PERSONNEL RESPONSIBLE FOR MEDICAL, DENTAL, AND MENTAL HEALTH SCREENING BE TRAINED AS TO SYMPTOMS AND CONSEQUENCES OF WITHDRAWAL FROM ADDICTIVE DRUGS.

To the committee on Criminal Justice

H.B. No. 85 - Representatives Boyd and Williams, S., et al

TO PROHIBIT ANY PERSON UNDER TWENTY-ONE YEARS OF AGE FROM POSSESSING A FIREARM, SUBJECT TO SPECIFIED EXCEPTIONS FOR LAWFUL HUNTING, SPORTING, OR EDUCATIONAL PURPOSES AND FOR LAW ENFORCEMENT OFFICERS; TO EXPAND THE OFFENSE OF FAILURE TO SECURE DANGEROUS ORDNANCE SO THAT IT ALSO PROHIBITS A FAILURE TO SECURE A FIREARM AND INCREASE THE PENALTY FOR THE OFFENSE; AND TO DECLARE AN EMERGENCY.

To the committee on Public Safety and Homeland Security

H.B. No. 86 - Representative Hagan, et al

TO AUTHORIZE IN CERTAIN COUNTIES THE CREATION OF A LAND

REUTILIZATION CORPORATION TO FACILITATE THE RECLAMATION, REHABILITATION, AND REUTILIZATION OF VACANT, ABANDONED, TAX-FORECLOSED, OR OTHER REAL PROPERTY AND TO AUTHORIZE IN THOSE COUNTIES THE USE OF THE EXPEDITED, NONJUDICIAL FORECLOSURE PROCEDURE FOR ABANDONED LANDS.

To the committee on Local Government/Public Administration

H.B. No. 87 - Representative Phillips, et al

TO CREATE THE OHIO ENERGY RESOURCE CENTER AT OHIO UNIVERSITY'S VOINOVICH SCHOOL AND TO MAKE AN APPROPRIATION.

To the committee on Finance and Appropriations

H.B. No. 88 - Representative Wagner, et al

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.

To the committee on Civil and Commercial Law

H.B. No. 89 - Representative Zehringer, et al

TO PROVIDE THAT THE PURPOSEFUL KILLING OF A JUDGE OR MAGISTRATE IN SPECIFIED CIRCUMSTANCES IS AGGRAVATED MURDER; TO INCREASE THE PENALTY FOR FELONIOUS ASSAULT, AGGRAVATED ASSAULT, AND ASSAULT IN SPECIFIED CIRCUMSTANCES WHEN THE VICTIM IS A JUDGE, A MAGISTRATE, OR A LAW ENFORCEMENT OFFICER, TO CHANGE THE CIRCUMSTANCES IN WHICH THE PENALTY FOR THOSE OFFENSES IS INCREASED WHEN THE VICTIM IS A BCII INVESTIGATOR, AND TO REMOVE THE INCREASED PENALTY FOR THOSE OFFENSES WHEN THE VICTIM IS A PEACE OFFICER; TO INCREASE THE PENALTY FOR ASSAULT WHEN THE OFFENSE IS COMMITTED IN A COURTHOUSE IN SPECIFIED CIRCUMSTANCES AND TO CHANGE THE CIRCUMSTANCES IN WHICH THE PENALTY FOR THAT OFFENSE IS INCREASED WHEN THE VICTIM IS A CHILDREN SERVICES WORKER; TO INCREASE THE PENALTY FOR AGGRAVATED MENACING IN SPECIFIED CIRCUMSTANCES WHEN THE VICTIM IS A LAW ENFORCEMENT OFFICER, JUDGE, OR MAGISTRATE AND TO CHANGE THE CIRCUMSTANCES IN WHICH THE PENALTY FOR THAT OFFENSE IS INCREASED WHEN THE VICTIM IS A CHILDREN SERVICES WORKER; TO EXPAND INTIMIDATION TO ALSO PROHIBIT ATTEMPTING TO INTIMIDATE A PUBLIC SERVANT, PARTY OFFICIAL, ATTORNEY, OR WITNESS BY MAKING AN UNLAWFUL THREAT OF HARM TO AN UNBORN OF THAT PERSON; TO EXPAND RETALIATION TO ALSO PROHIBIT USING FORCE AGAINST OR MAKING AN UNLAWFUL THREAT TO HARM AN UNBORN OF A PUBLIC SERVANT, PARTY OFFICIAL, ATTORNEY, OR WITNESS AND TO MODIFY THE CULPABLE

MENTAL STATE FOR AND OTHER ELEMENTS OF THAT OFFENSE;
AND TO MAKE THE KILLING OF A JUDGE OR MAGISTRATE IN
SPECIFIED CIRCUMSTANCES AN AGGRAVATING CIRCUMSTANCE
FOR THE IMPOSITION OF THE DEATH PENALTY FOR
AGGRAVATED MURDER.

To the committee on Judiciary

H.B. No. 90 - Representative Yuko, et al

TO REQUIRE THE GOVERNOR TO ISSUE AN OFFICIAL NOTICE OF
THE DEATH OF AN OHIO RESIDENT KILLED BY HOSTILE FIRE AS A
MEMBER OF THE UNITED STATES ARMED FORCES OR THE
NATIONAL GUARD AND TO ORDER THE LOWERING OF FLAGS ON
THE DAY OF THE PERSON'S FUNERAL.

To the committee on Veterans Affairs

H.B. No. 91 - Representative Yuko, et al

TO DESIGNATE THE BRIDGE SPANNING THE CUYAHOGA RIVER
AND THE OHIO CANAL IN CUYAHOGA COUNTY AND THAT IS
PART OF INTERSTATE ROUTE 480 THE "UNION WORKERS
MEMORIAL BRIDGE."

To the committee on Transportation and Infrastructure

H.B. No. 92 - Representative Mecklenborg, et al

TO REQUIRE ABSENT VOTER'S BALLOT IDENTIFICATION
ENVELOPE STATEMENTS TO BE COMPLETED FOR ABSENT
VOTER'S BALLOTS TO BE COUNTED, TO REQUIRE BOARDS OF
ELECTIONS TO NOTIFY ABSENT VOTERS THAT THEIR BALLOTS
WILL BE REJECTED IF THEY DO NOT COMPLETE THE REQUIRED
STATEMENT, TO GENERALLY PROHIBIT SAME DAY VOTER
REGISTRATION AND APPLICATION FOR ABSENT VOTER'S
BALLOTS, TO PERMIT ELECTION OBSERVERS TO BE APPOINTED
TO SERVE AT THE BOARD OF ELECTIONS OR AT ANOTHER
DESIGNATED SITE DURING THE TIME ABSENT VOTER'S BALLOTS
MAY BE CAST IN PERSON, TO REVISE THE TIME PERIOD IN WHICH
VOTERS MAY CAST ABSENT VOTER'S BALLOTS IN PERSON, TO
PERMIT A BOARD OF ELECTIONS TO ESTABLISH ADDITIONAL
LOCATIONS AT WHICH VOTERS MAY CAST ABSENT VOTER'S
BALLOTS IN PERSON, TO REQUIRE THE SECRETARY OF STATE TO
NOTIFY BOARDS OF ELECTIONS OF MISMATCHES BETWEEN
VOTER REGISTRATION INFORMATION AND MOTOR VEHICLE
RECORDS, AND TO REVISE THE PROCESS FOR APPOINTING
MEMBERS OF A BOARD OF ELECTIONS.

To the committee on Elections and Ethics

T. TODD BOOK
BARBARA BOYD
MATT LUNDY

JOSEPH KOZIURA
TIMOTHY J. DEGEETER
LOUIS W. BLESSING

JOHN ADAMS
KRIS JORDAN

WILLIAM G. BATCHELDER

Representative Carney 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 Resolutions be read by title only and approved:

H.R. No. 29 - Representative Wachtmann

Honoring Samantha Zuch as a 2009 Division II State Swimming and Diving Champion.

H.R. No. 30 - Representative Gerberry

Honoring Garrett Trebilcock as a 2009 Division II State Swimming Champion.

H.R. No. 31 - Representative Ruhl

Honoring Michael Amheiser for creating the second best pizza in the world.
Add the name: Book

H.R. No. 33 - Speaker Budish

Honoring the 2009 recipients of the University System of Ohio faculty Innovator Awards.

/s/ TODD BOOK
Todd Book, Chair

Representative Carney moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be approved.

The motion was agreed to.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate insists on its amendments to:

Am. Sub. H. B. No. 2 -Representative Ujvagi - et al.

and asks for a Committee of Conference.

Attest:

Vincent L. Keeran,
Clerk.

Message from the Speaker

The Speaker hereby appoints the following members of the House to the Committee of Conference on matters of difference between the two houses on **Am. Sub. H. B. No. 2** -Representative Ujvagi - et al.

Representatives Ujvagi, Sykes and McGregor.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the President of the Senate has appointed as managers on the part of the Senate on matters of difference between the two Houses on:

Am. Sub. H. B. No. 2 -Representative Ujvagi - et al.

Senators Patton, Buehrer and Turner.

Attest:

Vincent L. Keeran,
Clerk.

On motion of Representative Carney, the House adjourned until Wednesday, March 25, 2009 at 11:00 o'clock a.m.

Attest:

THOMAS L. SHERMAN,
Clerk.