

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

WEDNESDAY, MAY 13, 2009

FORTY-FOURTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, May 13, 2009, 1:30 p.m.**

The House met pursuant to adjournment.

Prayer was offered by Representative Raymond Pryor-14th 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:

Students from Solomon Schechter Day School, guests of Representative Mandel-17th district.

Jim Rickel, a guest of Representative Ujvagi-47th district.

Jim and Elsa Croucher and Tom Hurtt, guests of Representative Harwood-65th district.

Lucy Sondles and members of Medina Leadership, guests of Representatives Batchelder-69th district and Hall-97th district.

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

Representative Stautberg submitted the following report:

The standing committee on Housing and Urban Revitalization to which was referred **H. B. No. 3**-Representatives Foley, Driehaus, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: FORECLOSURE PREVENTION

CLAYTON LUCKIE  
TRACY HEARD  
DENISE DRIEHAUS  
DAN STEWART  
BARBARA BOYD

JOHN OTTERMAN  
ROLAND WINBURN  
PETER S. UJVAGI  
MIKE FOLEY

The following members voted "NO"

PETER STAUTBERG  
RANDY GARDNER  
TERRY BLAIR  
MATTHEW J. DOLAN

CHERYL GROSSMAN  
LOUIS W. BLESSING  
NAN BAKER  
SHANNON JONES

The report was agreed to.

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

Representative Mecklenborg submitted the following report:

The standing committee on Elections and Ethics to which was referred **H. B. No. 5**-Representatives Okey, Dodd, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: TRANSITION ACCOUNTS

Representative Stewart moved to amend the title as follows:

Add the names: "Stewart, Mecklenborg, Book, Brown, Adams, R., Hackett, Martin, Morgan, Gerberry."

DAN STEWART  
ROBERT MECKLENBORG  
EDNA BROWN  
DALE MALLORY  
DAVID DANIELS  
JARROD MARTIN  
RON GERBERRY

MARK D. OKEY  
T. TODD BOOK  
JENNIFER GARRISON  
RICHARD ADAMS  
ROBERT HACKETT  
SETH MORGAN

The report was agreed to.

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

Representative Dolan submitted the following report:

The standing committee on Judiciary to which was referred **H. B. No. 95**-Representative Skindell, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: PROHIBIT NAME CHANGE - CERTAIN PERSONS

Representative Harwood moved to amend the title as follows:

Add the names: "Dolan, Bacon, Bulp, Celeste, Coley, Blessing."

Representative Skindell moved to amend as follows:

In line 50, after "applicant" insert "or the person on whose behalf the application for a change of name is made"

The motion was agreed to and the bill so amended.

SANDRA STABILE HARWOOD  
KEVIN BACON  
DANNY R. BULP  
BILL COLEY  
MICHAEL J. SKINDELL

MATTHEW J. DOLAN  
BARBARA BOYD  
TED CELESTE  
LOUIS W. BLESSING  
MARK D. OKEY

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 Bill and Senate Bills be considered for the second time and referred to the following committees for consideration.

**H.B. No. 173 - Representatives Fende and Combs, et al**

REGARDING THE REGULATION OF CHEMICAL TANNING APPLICATIONS AND THE USE OF TANNING SERVICES BY INDIVIDUALS UNDER 18 YEARS OF AGE.

To the committee on Consumer Affairs and Economic Protection

**Sub. S.B. No. 69 - Senator Cates, et al**

TO REQUIRE THAT STUDENTS LIVING IN ON-CAMPUS HOUSING AT INSTITUTIONS OF HIGHER EDUCATION BE VACCINATED FOR MENINGOCOCCAL MENINGITIS AND HEPATITIS B OR OBTAIN A WAIVER.

To the committee on Health

**S.B. No. 73 - Senators Niehaus and Wilson, et al**

TO REVISE THE LAWS GOVERNING COAL MINING WITH REGARD TO THE IMPOSITION OF A PORTION OF THE SEVERANCE TAX ON COAL AND PERFORMANCE SECURITY AND RECLAMATION, AND TO DECLARE AN EMERGENCY.

To the committee on Agriculture and Natural Resources

T. TODD BOOK

TIMOTHY J. DEGEETER

LOUIS W. BLESSING

WILLIAM G. BATCHELDER

BARBARA BOYD

MATT LUNDY

JOHN ADAMS

KRIS JORDAN

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 the House bill and Senate 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 bill and Senate 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 Senate Resolution be introduced and referred to the following committee for consideration:

**S.C.R. No. 8 - Senators Grendell and Gibbs, et al**

TO MEMORIALIZE THE ADMINISTRATOR OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO REFRAIN FROM ADOPTING ANY NEW REGULATIONS GOVERNING GREENHOUSE GAS EMISSIONS FROM LIVESTOCK THAT WOULD IMPOSE PERMIT FEES ON LIVESTOCK PRODUCERS, AND TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION INTRODUCED BY UNITED STATES SENATORS JOHN THUNE AND CHARLES SCHUMER THAT PROPOSES TO AMEND TITLE V OF THE CLEAN AIR ACT TO ESTABLISH APPROPRIATE EXEMPTIONS FOR LIVESTOCK PRODUCERS.

To the committee on Environment and Brownfield Development

Add the names: J. Adams, Batchelder, Jordan

/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 Blessing reported for the Rules and Reference Committee recommending that the following House Resolutions be read by title only and approved:

**H.R. No. 68 - Representative Celeste**

Honoring the Upper Arlington High School girls swimming and diving team as the 2009 Division I State Champion.

**H.R. No. 69 - Representative Ruhl**

Honoring Danielle Brown as Ms. Wheelchair Ohio 2009.

**H.R. No. 70 - Representative Wachtmann**

Honoring Tyler Showalter as a 2009 NUWAY Champion.

**H.R. No. 71 - Representative Wachtmann**

Honoring the St. John's Lady Eagles basketball team as the 2009 All-Ohio Lutheran State Champion.

**H.R. No. 72 - Representative Wachtmann**

Honoring the Henry County Special Olympics girls basketball team as the 2009 State Champion.

Add the name: Book

/s/TODD BOOK

Todd Book, Chair

Representative Szollosi 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.

Representative Goyal moved that majority party members asking leave to be absent or absent the week of Wednesday, May 13, 2009, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Adams, J. moved that minority party members asking leave to be absent or absent the week of Wednesday, May 13, 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. 19**-Representative Harwood.

Cosponsors: Representatives Brown, Fende, Okey, Williams, B., Garrison, Bolon, Chandler, Phillips, Boyd, Newcomb, Williams, S., Domenick, Pillich, Harris, Murray, Luckie, DeBose, Driehaus, Garland, Lundy, Pryor, Weddington.

To amend sections 3301.0718 and 3313.60 and to enact sections 3301.23 and 3313.668 of the Revised Code to enact the "Tina Croucher Act" to require school districts to adopt a dating violence prevention policy and to include dating violence prevention education within the health education curriculum, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Baker moved to amend as follows:

In line 92, delete " In" and insert " If the district board has adopted a dating violence prevention policy under section 3313.668 of the Revised Code, the board shall include in the district's health education curriculum, in"

In line 181, delete " shall" and insert " may"

In line 183, delete all after " school"

Delete lines 184 and 185

In line 186, delete " education"; delete " shall" and insert " may"; delete " , but not be limited to"

In line 193, delete all before " dating" and insert " If a board adopts a"; after " policy" insert " under this section, the board shall publish that policy"

In line 197, delete " Not" and insert " If a board adopts a dating violence prevention policy under this section, not"; delete " a dating"

In line 198, delete " violence prevention" and insert " that"; delete " under this section"; delete " each" and insert " the"

In line 205, delete " shall" and insert " may"; delete " , but"

In line 206, delete " not be limited to"

In line 211, delete " shall" and insert " may"

In line 213, delete " Each" and insert " If a board adopts a dating violence prevention policy under this section, the"

In line 214, delete " the district's dating violence prevention" and insert " that"

In line 3 of the title, delete "require" and insert "specifically authorize"

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 53, nays 44, as follows:

Those who voted in the affirmative were: Representatives

Bacon	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeBose	DeGeeter	Dodd	Domenick
Driehaus	Dyer	Fende	Foley
Garland	Garrison	Gerberry	Goyal
Hagan	Harris	Harwood	Heard
Koziura	Luckie	Lundy	Mallory
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-53.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	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-44.

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 62, nays 35, as follows:

Those who voted in the affirmative were: Representatives

Bacon	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
Combs	DeBose	DeGeeter	Derickson
Dodd	Dolan	Domenick	Driehaus
Dyer	Evans	Fende	Foley
Garland	Garrison	Gerberry	Goyal
Hagan	Harris	Harwood	Heard
Hite	Jones	Koziura	Lehner
Luckie	Lundy	Mallory	Mandel
McGregor	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-62.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Baker
Balderson	Batchelder	Blair	Blessing
Boose	Bubp	Burke	Coley
Daniels	Gardner	Goodwin	Grossman
Hackett	Hall	Hottinger	Huffman
Jordan	Maag	Martin	McClain
Mecklenborg	Morgan	Ruhl	Sears
Snitchler	Stautberg	Stebelton	Uecker
Wachtmann	Wagner		Zehringer-35.

The bill passed.

Representative Harwood moved to amend the title as follows:

Add the names: "Celeste, Dodd, Dyer, Foley, Gerberry, Goyal, Hagan, Heard, Hite, Koziura, Mallory, Otterman, Patten, Skindell, Slesnick, Stewart, Szollosi, Ujvagi, Winburn, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. B. No. 150**-Representatives Ujvagi, McGregor.

Cosponsors: Representatives Amstutz, Bolon, Book, Boyd, Brown, Bubp, Carney, Chandler, Celeste, Daniels, DeBose, DeGeeter, Domenick, Driehaus, Dodd, Dyer, Evans, Fende, Foley, Gardner, Garland, Garrison, Gerberry, Goyal, Grossman, Hackett, Hagan, Harris, Harwood, Heard, Hite, Hottinger, Koziura, Lehner, Letson, Luckie, Lundy, Mandel, Mallory, Martin, Miller, Moran, Morgan, Murray, Newcomb, Oelslager, Okey, Patten, Phillips, Pillich, Pryor, Sayre, Schneider, Skindell, Slesnick, Stewart, Sykes, Szollosi,



Weddington, Williams, B., Williams, S., Winburn, Yates, Yuko, Combs, Boose.

To enact section 5.2265 of the Revised Code to designate August as "Ohio Military Family Month, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Garrison moved to amend as follows:

After line 6, insert:

**"Section 2.** This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is the efficient and timely recognition of the contribution military families make to the State of Ohio. Therefore, this act shall go into immediate effect."

In line 2 of the title, delete the period; after the second set of quotation marks insert "and to declare an emergency."

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

The yeas and nays were taken and resulted - yeas 95, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Bacon	Baker
Balderson	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	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	Wachtmann	Wagner	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko	Zehringer		Budish-95.

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

The motion was agreed to and the bill so amended.

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

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	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
Luckie	Lundy	Maag	Mallory
Mandel	Martin	McClain	McGregor
Mecklenborg	Moran	Morgan	Murray
Newcomb	Oelsluger	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.

Representative Batchelder voted in the negative-1.

Having received a constitutional majority, the emergency clause stood as part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 97, 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	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	Wachtmann
Wagner	Weddington	Williams B.	Williams S.
Winburn	Yates	Yuko	Zehringer
			Budish-97.

Having received the required constitutional majority, the bill passed as an emergency measure.

Representative Ujvagi moved to amend the title as follows:

Add the names: "Adams, R., Bacon, Balderson, Batchelder, Blair, Blessing, Burke, Coley, Derickson, Dolan, Goodwin, Hall, Huffman, Jones, Maag, McClain, Mecklenborg, Otterman, Ruhl, Sears, Snitchler, Stautberg, Stebelton, Uecker, Wachtmann, Wagner, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Szollosi, the House adjourned until Tuesday, May 19, 2009 at 11:00 o'clock a.m.

Attest:

THOMAS L. SHERMAN,  
Clerk.