

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

WEDNESDAY, MAY 19, 2010

ONE HUNDRED EIGHTIETH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, May 19, 2010, 1:30 p.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Mark Martin of the Maiden Lane Church of God in Springfield, 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:

The Napoleon High School girls 200-yard freestyle relay team received H. R. 246, presented by Representative Wachtmann-75th district.

Samantha Zuch received H. R. 247, presented by Representative Wachtmann-75th district.

The Bowling Green State University received H. R. 268, presented by Representatives Gardner-6th district and Murray-80th district.

The Willoughby South High School Academic Decathlon team received H. R. 300, presented by Representative Fende-62nd district.

The Kent State University received H. R. 304, presented by Representatives Chandler-68th district, Bolon-1st district, Hollington-98th district, Letson-64th district, Newcomb-99th district, Oelslager-51st district, and Sayre-96th district.

The Canton McKinley High School girls basketball team received H. R. 309, presented by Representative Slesnick-52nd district.

Frank Steward and Hilda Ragland, guests of Speaker-8th district.

Brooklyn Gregory and Nicole Robinson, guests of Representative Harris-19th district.

Rick and Robin Smeltz, guests of Representative Otterman-45th district.

Students from Hurtford Middle School-52nd district.

Jane Lee, Elizabeth Mirchell, and Tera Kocker, guests of Representative Combs-54th district.

Jim Krancevic, a guest of Representative Fende-62nd district.

Christina Martin, Jack and Ellie Crew, guests of Representative McGregor-72nd district.

Todd Boeckman, a guest of Representative Zehringer-77th district.

Nolan Murray, son of Representative Murray-80th district.

## INTRODUCTION OF BILLS

The following bill was introduced:

**H. B. No. 522**-Representative Murray.

To amend sections 121.41 and 121.42 of the Revised Code to require the Inspector General to be recused from any matter or investigation relating to a state agency if the Inspector General has a familial relationship with an employee of that agency or the Inspector General was formerly employed by that agency, and to require the Inspector General to designate a deputy inspector general to handle all matters relating to an agency that is the subject of a recusal.

Said bill was considered the first time.

## CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 190**-Representative Fende, et al., were taken up for consideration.

**Sub. H. B. No. 190**-Representative Fende.

Cosponsors: Representatives McGregor, Williams, S., Moran, Huffman, Yuko, Phillips, Oelslager, Garland, Jordan, Murray, Gerberry, Brown, Bolon, Slesnick, Okey, Pillich, Letson, Hagan, Luckie, Mecklenborg, Blessing, Harwood, Williams, B., Hackett, Lehner, Patten, Harris, Adams, J., Adams, R., Amstutz, Batchelder, Belcher, Blair, Boyd, Bubb, Carney, Chandler, Combs, Daniels, DeBose, Domenick, Driehaus, Dyer, Evans, Foley, Gardner, Garrison, Goyal, Grossman, Heard, Hottinger, Jones, Koziura, Lundy, Maag, Mallory, Mandel, Newcomb, Otterman, Pryor, Schneider, Sears, Snitchler, Stewart, Szollosi, Uecker, Wachtmann, Winburn, Zehringer. Senators Gillmor, Morano, Buehrer, Coughlin, Faber, Gibbs, Harris, Hughes, Miller, D., Miller, R., Niehaus, Sawyer, Schaffer, Schuring, Seitz, Strahorn, Wilson, Schiavoni, Smith, Carey, Widener.

To amend sections 3313.713, 4715.14, 4715.141, 4715.21, 4715.22, 4715.231, 4715.24, and 4715.25 and to enact sections 3701.136, 4715.241, 4715.242, 4715.36, 4715.361, 4715.362, 4715.363, 4715.364, 4715.365, 4715.366, 4715.367, 4715.368, 4715.369, 4715.37, 4715.371, 4715.372, 4715.373, 4715.374, and 4715.375 of the Revised Code to modify certain licensing procedures for dentists and dental hygienists, to establish the Oral Health Access Supervision Program for the provision of dental hygiene services, to allow certain dental hygienists to administer local anesthesia based on instruction obtained while licensed in another state, and to authorize the Director of Health to establish a school-based fluoride mouth rinse program.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 98, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
DeGeeter	Derickson	Dodd	Domenick
Driehaus	Dyer	Evans	Fende
Foley	Gardner	Garland	Garrison
Gerberry	Goodwin	Goyal	Grossman
Hackett	Hagan	Hall	Harris
Harwood	Heard	Hite	Hollington
Hottinger	Huffman	Jordan	Koziura
Lehner	Letson	Luckie	Lundy
Maag	Mallory	Mandel	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	Oelslager
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Reece	Ruhl
Sayre	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Wachtmann	Wagner	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
Zehringer			Budish-98.

The Senate amendments were concurred in.

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

Representative Uecker submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 13**-Representatives Garrison, Harris, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SEX OFFENDER PROHIBIT FROM SCHOOL/DAYCARE  
PROPERTY

KEVIN BACON  
TIMOTHY J. DEGEETER  
LINDA S. BOLON  
ROBIN BELCHER  
W. SCOTT OELSLAGER  
MARK SCHNEIDER

BILL COLEY  
CONNIE PILLICH  
DANNY R. BUBP  
NANCY GARLAND  
JOSEPH W. UECKER

The report was agreed to.

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

Representative Evans submitted the following report:

The standing committee on Public Safety and Homeland Security to which was referred **H. B. No. 33**-Representative Dyer, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: NOTICE OF ILLEGAL METH LABS

TRACY HEARD  
CLYDE EVANS  
DANNY R. BUBP  
TIMOTHY DERICKSON  
TOM LETSON  
JEFFREY MCCLAIN

ROBIN BELCHER  
T. TODD BOOK  
DAVID DANIELS  
JOHN DOMENICK  
DALE MALLORY

The report was agreed to.

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

Representative Combs submitted the following report:

The standing committee on Transportation and Infrastructure to which was referred **H. B. No. 199**-Representative Yuko, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CLASSIFY STREET RODS AND CUSTOM VEHICLES AS HISTORICAL VEHICLES

Representative Hagan moved to amend the title as follows:

Add the names: "Foley, Combs, Balderson."

ROBERT F. HAGAN  
ALICIA REECE  
JOHN DOMENICK  
KENNY YUKO  
TROY BALDERSON  
MARGARET RUHL  
JAMES ZEHRINGER

DALE MALLORY  
JOHN PATRICK CARNEY  
MIKE FOLEY  
COURTNEY COMBS  
JEFFREY MCCLAIN  
JOSEPH W. UECKER

The report was agreed to.

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

Representative Stebelton submitted the following report:

The standing committee on Education to which was referred **H. B. No. 268**-Representative Driehaus, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: PER PUPIL BASE COST PAYMENTS

Representative Williams, B. moved to amend the title as follows:

Add the names: "Williams, B., Lundy, Weddington, Luckie, Gerberry, Sayre."

BRIAN G. WILLIAMS  
DENISE DRIEHAUS  
RON GERBERRY  
MATT LUNDY  
DEBBIE PHILLIPS  
ALLAN R. SAYRE  
W. SCOTT OELSLAGER

CLAYTON LUCKIE  
NANCY GARLAND  
MARIAN HARRIS  
MIKE MORAN  
RAYMOND PRYOR  
W. CARLTON WEDDINGTON  
JEFF WAGNER

The following members voted "NO"

GERALD L. STEBELTON  
NAN BAKER  
CLIFF HITE  
PEGGY LEHNER  
SETH MORGAN

RICHARD ADAMS  
CLYDE EVANS  
MATT HUFFMAN  
JARROD MARTIN

The report was agreed to.

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

Representative Daniels submitted the following report:

The standing committee on State Government to which was referred **H. B. No. 445**-Representative Letson, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: LOCAL ENTERTAINMENT DISTRICT LIQUOR PERMITS

Representative Gerberry moved to amend the title as follows:

Add the names: "Gerberry, Mallory, Sayre, Williams, B.."

RON GERBERRY  
DALE MALLORY  
ROBIN BELCHER  
DAVID DANIELS  
CLIFF HITE

MATT LUNDY  
ALLAN R. SAYRE  
BRIAN G. WILLIAMS  
CHERYL GROSSMAN  
GERALD L. STEBELTON

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. 483**-Representative Pryor, et al., having had the same under

consideration, reports it back as a substitute bill and recommends its passage.

RE: AGRICULTURAL LINKED DEPOSIT PROGRAM

VERNON SYKES	JOHN PATRICK CARNEY
RON AMSTUTZ	RICHARD ADAMS
LINDA S. BOLON	EDNA BROWN
DAVE BURKE	TED CELESTE
KATHLEEN CHANDLER	DENISE DRIEHAUS
STEPHEN DYER	LORRAINE M. FENDE
MIKE FOLEY	RANDY GARDNER
NANCY GARLAND	JENNIFER GARRISON
BRUCE W. GOODWIN	JAY P. GOYAL
CHERYL GROSSMAN	DAVE HALL
RICHARD R. HOLLINGTON	RON MAAG
JEFFREY MCCLAIN	ROSS MCGREGOR
ROBERT MECKLENBORG	SETH MORGAN
MICHAEL J. SKINDELL	STEPHEN SLESNICK
TRACY HEARD	

The report was agreed to.

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

#### MOTIONS AND RESOLUTIONS

Representative Goyal moved that majority party members asking leave to be absent or absent the week of Wednesday, May 19, 2010, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Adams, J. moved that minority party members asking leave to be absent or absent the week of Wednesday, May 19, 2010, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

#### BILLS FOR THIRD CONSIDERATION

**Sub. H. B. No. 33**-Representative Dyer.

Cosponsors: Representatives Hagan, Williams, B., Boyd, Chandler, Harris, DeBose, Winburn.

To amend sections 2921.13, 4505.08, and 5302.30 and to enact sections 109.5731 and 3701.181 of the Revised Code to establish identification, reporting, and disclosure requirements governing illegal methamphetamine manufacturing laboratories and to name the act the Methamphetamine Awareness and Notification Act, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 98, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
DeGeeter	Derickson	Dodd	Domenick
Driehaus	Dyer	Evans	Fende
Foley	Gardner	Garland	Garrison
Gerberry	Goodwin	Goyal	Grossman
Hackett	Hagan	Hall	Harris
Harwood	Heard	Hite	Hollington
Hottinger	Huffman	Jordan	Koziura
Lehner	Letson	Luckie	Lundy
Maag	Mallory	Mandel	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	Oelslager
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Reece	Ruhl
Sayre	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Wachtmann	Wagner	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
Zehringer			Budish-98.

The bill passed.

Representative Dyer moved to amend the title as follows:

Add the names: "Bacon, Batchelder, Beck, Belcher, Bolon, Bubp, Celeste, Daniels, DeGeeter, Derickson, Dodd, Domenick, Driehaus, Evans, Fende, Foley, Garland, Garrison, Goyal, Grossman, Harwood, Heard, Koziura, Lehner, Letson, Luckie, Lundy, Mallory, Mandel, McClain, Moran, Murray, Oelslager, Otterman, Patten, Pillich, Pryor, Reece, Ruhl, Sayre, Skindell, Slesnick, Sykes, Szollosi, Weddington, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 393**-Representatives Gerberry, Blessing.

Cosponsors: Representatives Chandler, Weddington, Blair, Boose, Derickson, Domenick, Luckie, Ruhl, Slesnick, Yuko.

To amend section 505.87 of the Revised Code to revise the notice required to be provided by a board of township trustees to a landowner and any



lienholder for a subsequent nuisance determination made within 12 months after a nuisance determination was made regarding the same property, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 97, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
DeGeeter	Derickson	Dodd	Domenick
Driehaus	Dyer	Evans	Fende
Foley	Gardner	Garland	Garrison
Gerberry	Goodwin	Goyal	Grossman
Hackett	Hagan	Hall	Harris
Harwood	Heard	Hite	Hollington
Hottinger	Huffman	Jordan	Koziura
Lehner	Letson	Luckie	Lundy
Maag	Mallory	Mandel	McClain
McGregor	Mecklenborg	Moran	Morgan
Murray	Newcomb	Oelslager	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Reece	Ruhl	Sayre
Schneider	Sears	Skindell	Slesnick
Snitchler	Stautberg	Stebelton	Stewart
Sykes	Szollosi	Uecker	Wachtmann
Wagner	Walter	Weddington	Williams B.
Williams S.	Winburn	Yuko	Zehringer
			Budish-97.

Representative Martin voted in the negative-1.

The bill passed.

Representative Gerberry moved to amend the title as follows:

Add the names: "Balderson, Batchelder, Beck, Bolon, Bubp, Combs, Daniels, Evans, Garland, Goodwin, Grossman, Hackett, Harris, Harwood, Koziura, Lehner, Letson, Lundy, Mallory, McClain, McGregor, Mecklenborg, Moran, Morgan, Newcomb, Patten, Phillips, Pillich, Pryor, Sayre, Snitchler, Stautberg, Uecker, Williams, B., Winburn."

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.

**Sub. H. B. No. 461**-Representatives Pillich, Boose.

Cosponsors: Representatives Baker, Balderson, Beck, Brown, Chandler, Derickson, Domenick, Evans, Garland, Gerberry, Grossman, Harwood, McGregor, Okey, Pryor, Sears, Ujvagi, Wachtmann, Yuko, Carney, Fende, Gardner, Garrison, Goyal, McClain, Mecklenborg.

To amend sections 123.024, 141.02, 3313.616, 3721.50, 4503.46, 5111.21, 5902.02, 5907.01, 5907.02, 5907.021, 5907.04, 5907.08, 5907.10, 5907.11, 5907.12, 5907.13, 5911.10, 5913.01, 5913.011, 5913.02, 5913.021, 5919.06, 5919.26, 5919.28, 5919.29, 5919.34, and 5924.136 and to repeal sections 5907.023, 5907.05, and 5913.04 of the Revised Code and to amend Section 409.10 of Am. Sub. H.B. 1 of the 128th General Assembly to make changes to the law regarding the Ohio Veterans' Home Agency, the Department of Veterans Services, the Ohio National Guard Scholarship Program, and other military-related laws, to establish the Commission for the Future of Local Veterans Posts in Ohio, and to make an appropriation, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Szollosi moved that **Sub. H. B. No. 461**-Representatives Pillich, Boose, et al., be informally passed and retain its place on the calendar.

The motion was agreed to.

**Sub. H. B. No. 483**-Representative Pryor.

Cosponsors: Representatives Dodd, Domenick, Evans, Garland, Gerberry, Goodwin, Goyal, Letson, Murray, Phillips, Sayre, Stebelton, Weddington.

To amend sections 135.631, 135.73, 135.74, and 135.75 of the Revised Code to modify the Agricultural Linked Deposit Program with respect to the maximum amount the Treasurer of State may invest in agricultural linked deposits, the maximum loan amounts, and the interest rate at which loans are made under the Program, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 98, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
DeGeeter	Derickson	Dodd	Domenick
Driehaus	Dyer	Evans	Fende
Foley	Gardner	Garland	Garrison
Gerberry	Goodwin	Goyal	Grossman
Hackett	Hagan	Hall	Harris

Harwood	Heard	Hite	Hollington
Hottinger	Huffman	Jordan	Koziura
Lehner	Letson	Luckie	Lundy
Maag	Mallory	Mandel	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	Oelslager
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Reece	Ruhl
Sayre	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Wachtmann	Wagner	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
Zehringer			Budish-98.

The bill passed.

Representative Pryor moved to amend the title as follows:

Add the names: "Adams, R., Balderson, Beck, Blair, Bolon, Book, Boose, Boyd, Brown, Bubp, Carney, Chandler, Combs, Driehaus, Dyer, Gardner, Hackett, Hagan, Hall, Harris, Harwood, Heard, Hite, Hottinger, Koziura, Luckie, Mallory, Mandel, McClain, McGregor, Moran, Newcomb, Oelslager, Reece, Ruhl, Sears, Slesnick, Snitchler, Uecker, Williams, B., Williams, S., Winburn, Yuko, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. J. R. No. 9**-Representatives Huffman, Yates.

Cosponsors: Representatives Murray, Blessing, Skindell, Pillich, Hagan, Amstutz, Fende, Ujvagi, Domenick.

Proposing to amend Section 6 of Article IV and to repeal Sections 19 and 22 of Article IV of the Constitution of Ohio to change the age at and after which a person may not be elected or appointed to a judicial office and to eliminate the authority of the General Assembly to establish courts of conciliation and to reappoint a Supreme Court commission, was taken up for consideration the third time.

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

Representative Huffman moved to amend the title as follows:

Add the names: "Chandler, Combs, Evans, Stebelton, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

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

Representative Heard moved to amend as follows:

Between lines 32 and 33, insert:

" (5) The name of any political party that nominated a candidate for the office of chief justice or justice of the supreme court or that nominated a candidate for the office of judge shall appear with the candidate's name on the general election ballot for the applicable judicial office."

In line 5 of the title, after "office" insert ", to require the name of a political party that nominated a judicial candidate to appear on the general election ballot with the candidate's name,"

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

The yeas and nays were taken and resulted - yeas 51, nays 47, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeGeeter	Dodd	Domenick	Driehaus
Dyer	Foley	Garland	Garrison
Gerberry	Goyal	Hagan	Harris
Harwood	Heard	Koziura	Letson
Luckie	Lundy	Mallory	Moran
Murray	Newcomb	Okey	Otterman
Patten	Phillips	Pillich	Pryor
Reece	Sayre	Schneider	Skindell
Slesnick	Stewart	Sykes	Szollosi
Walter	Weddington	Williams B.	Williams S.
Winburn	Yuko		Budish-51.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Blair	Blessing	Boose	Bubp
Burke	Coley	Combs	Daniels
Derickson	Evans	Fende	Gardner
Goodwin	Grossman	Hackett	Hall
Hite	Hollington	Hottinger	Huffman
Jordan	Lehner	Maag	Mandel
Martin	McClain	McGregor	Mecklenborg
Morgan	Oelslager	Ruhl	Sears
Snitchler	Stautberg	Stebelton	Uecker
Wachtmann	Wagner		Zehringer-47.

The motion was agreed to and the joint resolution so amended.

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

Representative Huffman moved that **Sub. H. J. R. No. 9**-Representatives Huffman, Yates, et al., be rereferred to the committee on Judiciary.

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

The yeas and nays were taken and resulted - yeas 95, nays 3, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
DeGeeter	Derickson	Dodd	Domenick
Driehaus	Dyer	Evans	Fende
Foley	Gardner	Garland	Garrison
Gerberry	Goodwin	Goyal	Grossman
Hackett	Hagan	Hall	Harris
Harwood	Heard	Hite	Hollington
Hottinger	Huffman	Jordan	Lehner
Letson	Luckie	Lundy	Maag
Mallory	Mandel	Martin	McClain
McGregor	Mecklenborg	Moran	Morgan
Murray	Newcomb	Oelslager	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Reece	Ruhl	Sayre
Sears	Slesnick	Snitchler	Stautberg
Stebelton	Stewart	Sykes	Szollosi
Uecker	Wachtmann	Wagner	Walter
Weddington	Williams B.	Williams S.	Winburn
Yuko	Zehringer		Budish-95.

Representatives Koziura, Schneider, and Skindell voted in the negative-3.

The motion to rerefer was agreed to.

**Sub. H. B. No. 206**-Representatives Boyd, Oelslager.

Cosponsors: Representatives Combs, Domenick, Wachtmann, Ujvagi, Letson, Yuko, Okey, Chandler.

To amend sections 3719.06, 4723.06, 4723.481, 4723.482, 4723.492, and 4723.50 and to enact section 4723.486 of the Revised Code to modify the authority of certain advanced practice nurses to prescribe schedule II controlled substances, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 85, nays 13, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Bacon	Baker
Balderson	Batchelder	Belcher	Blessing
Bolon	Book	Boose	Boyd
Brown	Carney	Celeste	Chandler
Daniels	DeGeeter	Derickson	Dodd
Domenick	Driehaus	Dyer	Evans

Fende	Foley	Gardner	Garland
Garrison	Gerberry	Goodwin	Goyal
Grossman	Hackett	Hagan	Hall
Harris	Harwood	Heard	Hite
Hollington	Hottinger	Huffman	Koziura
Letson	Luckie	Lundy	Mallory
Mandel	Martin	McClain	McGregor
Mecklenborg	Moran	Morgan	Murray
Newcomb	Oelslager	Okey	Otterman
Patten	Phillips	Pillich	Pryor
Reece	Ruhl	Sayre	Schneider
Sears	Skindell	Slesnick	Stewart
Sykes	Szollosi	Uecker	Wachtmann
Wagner	Walter	Weddington	Williams B.
Williams S.	Winburn	Yuko	Zehringer Budish-85.

Those who voted in the negative were: Representatives

Adams J.	Beck	Blair	Bubp
Burke	Coley	Combs	Jordan
Lehner	Maag	Snitchler	Stautberg Stebelton-13.

The bill passed.

Representative Boyd moved to amend the title as follows:

Add the names: "Brown, Celeste, Dyer, Evans, Gerberry, Heard, Hite, Koziura, Luckie, Mallory, Reece, Stewart, Szollosi, Walter, Williams, B., Williams, S.."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 461**-Representatives Pillich, Boose.

Cosponsors: Representatives Baker, Balderson, Beck, Brown, Chandler, Derickson, Domenick, Evans, Garland, Gerberry, Grossman, Harwood, McGregor, Okey, Pryor, Sears, Ujvagi, Wachtmann, Yuko, Carney, Fende, Gardner, Garrison, Goyal, McClain, Mecklenborg.

To amend sections 123.024, 141.02, 3313.616, 3721.50, 4503.46, 5111.21, 5902.02, 5907.01, 5907.02, 5907.021, 5907.04, 5907.08, 5907.10, 5907.11, 5907.12, 5907.13, 5911.10, 5913.01, 5913.011, 5913.02, 5913.021, 5919.06, 5919.26, 5919.28, 5919.29, 5919.34, and 5924.136 and to repeal sections 5907.023, 5907.05, and 5913.04 of the Revised Code and to amend Section 409.10 of Am. Sub. H.B. 1 of the 128th General Assembly to make changes to the law regarding the Ohio Veterans' Home Agency, the Department of Veterans Services, the Ohio National Guard Scholarship Program, and other military-related laws, to establish the Commission for the Future of Local Veterans Posts in Ohio, and to make an appropriation, was taken up for

consideration the third time.

The question being, "Shall the bill pass?"

Representative Pillich moved to amend as follows:

In line 898, strike through "six" and insert "three"

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

05/19/2010

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. H. B. No. 461**-Representatives Pillich, Boose, 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.

05/19/2010

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. H. B. No. 461**-Representatives Pillich, Boose, 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 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Bolon	Book
Boose	Boyd	Brown	Burke
Carney	Celeste	Chandler	Coley
Combs	Daniels	DeGeeter	Derickson
Dodd	Domenick	Driehaus	Dyer
Evans	Fende	Foley	Gardner
Garland	Garrison	Gerberry	Goodwin
Goyal	Grossman	Hackett	Hagan
Hall	Harris	Harwood	Heard
Hite	Hollington	Hottinger	Huffman
Jordan	Koziura	Lehner	Letson
Luckie	Lundy	Maag	Mallory
Martin	McClain	McGregor	Mecklenborg
Moran	Morgan	Murray	Newcomb
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Reece
Ruhl	Sayre	Schneider	Sears
Skindell	Slesnick	Snitchler	Stautberg
Stebelton	Stewart	Sykes	Szollosi
Uecker	Wachtmann	Wagner	Walter
Weddington	Williams B.	Williams S.	Winburn
Yuko	Zehringer		Budish-95.

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

Representative Heard moved to amend as follows:

Between lines 1224 and 1225, insert:

**"Section 4.** (A) After meeting the requirements of division (B) of this section, on June 30, 2010, or as soon as possible thereafter, the Director of Budget and Management, upon the request of the Superintendent of Public Instruction, shall cancel up to \$29,732,647 of prior year encumbrances against General Revenue Fund appropriation items in the Department of Education's budget that are expected to lapse at the end of fiscal year 2010. The amount of



the canceled encumbrances up to \$20,761,069 is hereby reappropriated to appropriation item 200511, Auxiliary Services, and up to \$8,971,578 is hereby reappropriated to appropriation item 200532, Nonpublic Administrative Cost Reimbursement, for fiscal year 2011. These amounts are in addition to any appropriations in Am. Sub. H.B. 1 of the 128th General Assembly, but are inclusive of appropriations provided in Section 6 of Sub. H.B. 318 of the 128th General Assembly.

(B) Division (A) of this section shall not be implemented until the following requirements have been met:

(1) The Director of Budget and Management and the Superintendent of Public Instruction have determined that Section 265.50.55 of Am. Sub. H.B. 1 of the 128th General Assembly, as amended by this Act, has been fully implemented to meet the use of funds and maintenance of effort provisions of the American Recovery and Reinvestment Act. Division (A) of this section is not intended to interfere with Section 265.50.55 of Am. Sub. H.B. 1 of the 128th General Assembly,

(2) The Director of Budget and Management has determined that sufficient General Revenue Fund resources exist to fund authorized state expenditures for fiscal years 2010 and 2011. Division (A) of this section is not intended to interfere with state fiscal management."

In line 1225, delete "4" and insert "5"

In line 1234, delete "5" and insert "6"; delete "Section" and insert "Sections 265.50.55 and"

Between lines 1235 and 1236, insert:

**"Sec. 265.50.55. TRANSFER AND ADJUSTMENT OF ARRA STATE FISCAL STABILIZATION FUND APPROPRIATIONS**

(A) The Director of Budget and Management, with the approval of the Controlling Board, may transfer appropriation between appropriation items 200550, Foundation Funding, and 200551, Foundation Funding – Federal Stimulus, in each fiscal year, upon the written request of the Superintendent of Public Instruction, to meet the maintenance of effort and use of funds provisions of the American Recovery and Reinvestment Act, including transferring appropriation between fiscal year 2010 and fiscal year 2011.

(B) The adjustments under divisions (C), (D), and (E) of this section shall be made only for the purpose of meeting the use of funds provision of the American Recovery and Reinvestment Act for the Department of Education for fiscal years 2010 and 2011 or the maintenance of effort provisions of the American Recovery and Reinvestment Act for the Department of Education and the Board of Regents for fiscal year 2011.

(C) As used in this section:

(1) "Primary funding formula" means the subsidies for primary and

secondary education included in the state's application to the federal government for state fiscal stabilization funding under the American Recovery and Reinvestment Act.

(2) "Higher education funding formula" means the subsidies for higher education included in the state's application to the federal government for state fiscal stabilization funding under the American Recovery and Reinvestment Act.

(3) "Allowed percentage" means the lesser of one hundred per cent or the percentage payments under the higher education funding formula for fiscal year 2011 are of the payments under the higher education funding formula for fiscal year 2009.

(D) On or before June 1, 2010, or as soon as possible thereafter, the Superintendent of Public Instruction shall determine whether total payments under the primary funding formula for fiscal year 2010 are less than total payments for fiscal year 2009.

On or before June 1, 2011, or as soon as possible thereafter, the Chancellor of the Board of Regents shall determine in consultation with the Director of Budget and Management the allowed percentage as defined in division (C) of this section that allows maintenance of effort to be met for the Board of Regents.

(E) If the payments under the primary funding formula for fiscal year 2010 are less than the payments for fiscal year 2009, or if the payments under the primary funding formula for fiscal year 2011 are less than the allowed percentage multiplied by the total payments for the primary funding formula for fiscal year 2009, then to increase payments for fiscal year 2010 up to but not greater than payments for fiscal year 2009, or to increase payments for fiscal year 2011 up to but not greater than the allowed percentage multiplied by the total payments for the primary funding formula for fiscal year 2009, then the Superintendent of Public Instruction may take one or more of the following actions with approval of the Controlling Board:

(1) The Superintendent of Public Instruction may use unexpended, unencumbered appropriations in appropriation item 200550, Foundation Funding, or prior year GRF encumbered balances from the Department of Education's budget that are anticipated to lapse, in each fiscal year to provide an additional subsidy, on a per pupil basis, to city, local, or exempted village school districts, community schools, and STEM schools.

(2) The Superintendent of Public Instruction may use fiscal year 2011 appropriation in appropriation item 200550, Foundation Funding, or appropriation item 200551, Foundation Funding - Federal Stimulus, to provide additional subsidy, on a per pupil basis, for fiscal year 2010 to city, local, and exempted village school districts, community schools, and STEM schools and reduce payments owed under the primary funding formula for fiscal year 2011 by the same amount that each district was paid under the per pupil subsidy for fiscal year 2010. The action under this division shall be made only if the per

pupil payments made for fiscal year 2010 exactly offset the reductions made to the primary funding formula for fiscal year 2011 for each city, local, and exempted village school district, community school, and STEM school.

(3) Upon request of the Superintendent of Public Instruction, the Director of Budget and Management may authorize expenditures, not to exceed the amount of canceled GRF encumbrances, in the Department of Education's budget, in excess of the amounts appropriated for the primary funding formula. The additional amounts authorized are hereby appropriated to appropriation item 200550, Foundation Funding."

In line 1277, delete "6" and insert "7"; delete "Section" and insert "Sections 265.50.55 and"

In line 1278, delete "is" and insert "are"

In line 1279, delete "7" and insert "8"

In line 8 of the title, delete "Section" and insert "Sections 265.50.55 and"

In line 15 of the title, after "Ohio" insert ", to provide for adjustments to payments to schools, to provide for adjustments to payments for nonpublic schools"

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

Representative Stebelton objected pursuant to House Rule 91.

Speaker Budish ruled that the amendment was in order.

Representative Stebelton appealed the rule of the Chair.

The question being, "Shall the ruling of the Chair be upheld?"

The yeas and nays were taken and resulted - yeas 50, nays 44, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Carney	Celeste	Chandler	DeGeeter
Dodd	Domenick	Driehaus	Dyer
Fende	Foley	Garland	Garrison
Gerberry	Goyal	Hagan	Harris
Harwood	Heard	Koziura	Letson
Luckie	Lundy	Mallory	Moran
Murray	Newcomb	Okey	Otterman
Patten	Phillips	Pillich	Pryor
Reece	Sayre	Schneider	Skindell
Slesnick	Sykes	Szollosi	Walter
Weddington	Williams B.	Williams S.	Winburn
Yuko			Budish-50.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Blair	Blessing	Boose	Burke
Coley	Combs	Daniels	Derickson
Evans	Gardner	Goodwin	Grossman
Hackett	Hall	Hite	Hollington
Hottinger	Huffman	Jordan	Lehner
Maag	Martin	McClain	McGregor
Mecklenborg	Morgan	Oelslager	Ruhl
Sears	Snitchler	Stautberg	Stebelton
Uecker	Wachtmann	Wagner	Zehringer-44.

The ruling of the Chair was upheld.

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

The yeas and nays were taken and resulted - yeas 92, nays 4, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Bacon	Baker
Balderson	Batchelder	Beck	Belcher
Blair	Blessing	Bolon	Book
Boose	Boyd	Brown	Burke
Carney	Celeste	Chandler	Coley
Combs	Daniels	DeGeeter	Derickson
Dodd	Domenick	Driehaus	Dyer
Evans	Fende	Foley	Gardner
Garland	Garrison	Gerberry	Goodwin
Goyal	Grossman	Hackett	Hagan
Hall	Harris	Harwood	Heard
Hite	Hollington	Hottinger	Huffman
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mallory	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	Oelslager
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Reece	Ruhl
Sayre	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stewart
Sykes	Szollosi	Uecker	Wagner
Walter	Weddington	Williams B.	Williams S.
Winburn	Yuko	Zehringer	Budish-92.

Representatives Adams J., Jordan, Stebelton, and Wachtmann voted in the negative-4.

The motion was agreed to and the bill so amended.

The question recurring, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 95, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Brown
Burke	Carney	Celeste	Chandler
Coley	Combs	Daniels	DeGeeter
Derickson	Dodd	Domenick	Driehaus
Dyer	Evans	Fende	Foley
Gardner	Garland	Garrison	Gerberry
Goodwin	Goyal	Grossman	Hackett
Hagan	Hall	Harris	Harwood
Heard	Hite	Hollington	Hottinger
Huffman	Jordan	Koziura	Lehner
Letson	Luckie	Lundy	Maag
Mallory	Martin	McClain	McGregor
Mecklenborg	Moran	Morgan	Murray
Newcomb	Oelslager	Okey	Otterman
Patten	Phillips	Pillich	Pryor
Reece	Ruhl	Sayre	Schneider
Sears	Skindell	Slesnick	Snitchler
Stautberg	Stewart	Sykes	Szollosi
Uecker	Wachtmann	Wagner	Walter
Weddington	Williams B.	Williams S.	Winburn
Yuko	Zehringer		Budish-95.

Representative Stebelton voted in the negative-1.

The bill passed.

Representative Pillich moved to amend the title as follows:

Add the names: "Bolon, Boyd, Celeste, Daniels, Driehaus, Dyer, Foley, Hackett, Hagan, Harris, Heard, Hite, Hottinger, Koziura, Lehner, Letson, Luckie, Lundy, Mallory, Murray, Oelslager, Otterman, Patten, Schneider, Stewart, Szollosi, Walter, Weddington, Williams, B., Winburn, Zehringer."

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 concurred in the passage of the following bill:

**Am. Sub. H. B. No. 398** -Representatives Newcomb, Lehner  
Cosponsors: Representatives Harwood, Derickson, Domenick, Grossman, Garland, Hagan, Evans, Snitchler, Phillips, Williams, B., Dyer, Fende, Wachtmann, Ruhl, Hackett, Letson, Stebelton, Harris, Bulp, Hottinger, Stautberg, Pillich, Murray, Driehaus, Brown, McClain, Weddington, Mallory,

Goyal, Baker, Blessing, Dolan, Yuko, Okey, Foley, Adams, R., Amstutz, Bacon, Balderson, Batchelder, Beck, Belcher, Boose, Boyd, Burke, Carney, Celeste, Chandler, Combs, Daniels, DeBose, DeGeeter, Gardner, Gerberry, Goodwin, Hall, Heard, Hite, Koziura, Luckie, Lundy, Maag, Martin, Mecklenborg, Moran, Morgan, Oelslager, Otterman, Patten, Pryor, Reece, Sayre, Sears, Skindell, Slesnick, Stewart, Szollosi, Uecker, Walter, Winburn, Zehringer Senators Carey, Miller, D., Sawyer, Kearney, Buehrer, Cafaro, Gibbs, Gillmor, Grendell, Harris, Hughes, Miller, R., Morano, Schaffer, Seitz, Fedor, Turner

To amend sections 173.401, 173.501, 3702.51, 3702.59, 5111.65, 5111.651, 5111.68, 5111.681, 5111.685, 5111.686, 5111.688, 5111.874, 5111.875, and 5111.894; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 5111.688 (5111.689); and to enact new section 5111.688 and section 173.404 of the Revised Code; and to amend Section 209.20 of Am. Sub. H.B. 1 of the 128th General Assembly to revise the waiting list provisions of the PASSPORT, PACE, and Assisted Living programs, to revise the law governing the collection of long-term care facilities' Medicaid debts, and to revise the law governing the reasons for denying a Certificate of Need application.

Attest:

Vincent L. Keeran,  
Clerk.

#### Message from the Senate

Mr. Speaker:

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

**Am. Sub. S. B. No. 210** -Senators Coughlin, Kearney  
Cosponsors: Senators Cafaro, Goodman, Harris, Husted, Miller, D., Miller, R., Morano, Sawyer, Schiavoni, Smith, Strahorn, Turner, Wagoner, Fedor

To amend sections 3313.603, 3313.813, 3313.814, 3314.03, 3314.18, 3326.11, and 3326.13 and to enact sections 3301.92, 3301.921, 3301.922, 3301.923, 3302.032, 3313.6016, 3313.674, 3313.816, 3313.817, and 3319.076 of the Revised Code to establish nutritional standards for certain foods and beverages sold in schools; to require students to have periodic body mass index measurements; to require daily physical activity for students and to make other changes regarding physical education; and to establish the Healthy Choices for Healthy Children Council.

**Am. Sub. S. B. No. 232** -Senator Widener

Cosponsors: Senators Goodman, Jones, Wagoner, Fedor, Harris, Miller, D., Miller, R., Morano, Turner, Wilson, Strahorn

To amend sections 717.25, 1710.01, 1710.02, 1710.06, 1710.07, 4928.64, 5709.53, 5713.30, 5713.34, 5727.01, 5727.02, 5727.06, 5727.11, 5727.111, 5727.15, 5727.30, and 5739.02 and to enact sections 1710.061, 4935.10, and 5727.75 of the Revised Code to expand special improvement district energy improvement projects and the municipal solar energy revolving loan program law to include alternative energy, to address the treatment of energy efficiency savings and reductions in demand regarding certain energy projects, to exempt qualifying energy facilities from property taxation upon county approval, to require payments in lieu of taxes on the basis of each megawatt of production capacity of such facilities, to prohibit the use of the exemption to determine the cost of compliance for the state's alternative energy portfolio standard, to clarify the sales and use tax treatment of related energy conversion equipment purchases, to specify that operators of such facilities are subject to the commercial activity tax, and to require the Public Utilities Commission to study reactive power in the state.

Attest:

Vincent L. Keeran,  
Clerk.

Said bills were considered the first time.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has refused to concur in the House amendments to:

**Sub. S. B. No. 3** -Senator Faber - et al.

Attest:

Vincent L. Keeran,  
Clerk.

Representative Szollosi moved that the House insist on its amendments to **Sub. S. B. No. 3**-Senator Faber, et al. , and ask for a committee of Conference.

The motion was agreed to.

## Message from the Speaker

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following change to the standing committee on Education:

Remove Representative Sayre and appoint Representative DeBose.

## Message from the Speaker

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following change to the standing committee on Finance and Appropriations:

Remove Representative Foley; appoint Representative Boyd.

## Message from the Speaker

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

Remove Representative Bolon; appoint Representative Boyd.

On motion of Representative Szollosi, the House adjourned until Thursday, May 20, 2010 at 9:00 o'clock a.m.

Attest:

THOMAS L. SHERMAN,  
Clerk.