

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, MAY 27, 2009

FORTY-EIGHTH DAY

Hall of the House of Representatives, Columbus, Ohio
Wednesday, May 27, 2009, 1:30 p.m.

The House met pursuant to adjournment.

Prayer was offered by Representative Mike Moran-42nd 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:

Yelena Arishina received H. R. 44, presented by Representative Ruhl-90th district.

Jermey Hampton received H. R. 78, presented by Representatives Sears-46th district, Brown-48th district, Szollosi-49th district, and Ujvagi-47th district.

Ronald M. Berkman the President-designate of Cleveland State University, a guest of Representative Foley-14th district.

Corey Roblee and members of the International Code Council, guests of Representative Bacon-21st district.

Members of the Boys and Girls Club of Greater Cincinnati, guests of Representative Mallory-32nd district.

Matt Ellis, a guest of Representative Snitchler-50th district.

Nancy Ball, Andy Baker, Brodi McCormick, Kody Williams, and Taylor Vucolo, guests of Representatives Uecker-66th district and Bubp-88th district.

Jamie Pitera, a guest of Representative Chandler-68th district.

John Morgan, a guest of Representative Ruhl-90th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 195-Representative Slesnick.

To enact section 755.021 of the Revised Code to authorize the dissolution of a municipal board of park commissioners.

H. B. No. 196-Representative Foley.

To amend section 4501.21 and to enact section 4503.499 of the Revised Code to create "Pediatric Brain Tumor Awareness" license plates.

H. B. No. 197-Representative Harris.

Cosponsors: Representatives Ujvagi, Koziura, Murray, Williams, B., Lehner, Celeste, Foley, Letson, Yuko, Skindell, Chandler, Boyd, Williams, S., Winburn, Moran, Mallory, Heard, Evans, Brown, Fende, Weddington.

To amend sections 2151.33, 3109.52, 3109.53, 3109.54, 3109.59, 3109.60, 3109.65, 3109.66, 3109.67, 3109.69, 3109.70, 3109.71, 3109.74, 3109.76, 3109.77, 3313.64, 3313.649, 3313.672, and 5101.802 and to enact section 3109.64 of the Revised Code to expand the class of persons who may execute a caretaker authorization affidavit or be designated as attorney in fact under a power of attorney for the purpose of exercising authority over the care, custody, and control of a child and to enhance Ohio's policies regarding kinship caregivers.

Said bills were considered the first time.

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

Representative Blair submitted the following report:

The standing committee on Local Government/Public Administration to which was referred **H. B. No. 118**-Representatives Newcomb, Phillips, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: DEPARTMENT OF MRDD NAME CHANGE

KATHLEEN CHANDLER	W. CARLTON WEDDINGTON
TERRY BLAIR	NAN BAKER
TIMOTHY DERICKSON	JOHN DOMENICK
CLAYTON LUCKIE	MARGARET RUHL
STEPHEN SLESNICK	KENNY YUKO

The following member voted "NO"

TERRY BOOSE

The report was agreed to.

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

Representative Wagner submitted the following report:

The standing committee on Agriculture and Natural Resources to which was referred **S. B. No. 73**-Senators Niehaus, Wilson, et al., having had the same under consideration, reports it back and recommends its passage.

RE: COAL MINING SEVERANCE TAX

Representative Domenick moved to amend the title as follows:

Add the name: "Representative Dodd."

JOHN DOMENICK
JEFF WAGNER
JAMES ZEHRINGER
MARGARET RUHL
JENNIFER GARRISON
RAYMOND PRYOR
TERRY BOOSE
DAN DODD
TROY BALDERSON

RICHARD ADAMS
TIMOTHY DERICKSON
MATTHEW J. DOLAN
DAVE HALL
DENNIS MURRAY
DEBORAH NEWCOMB
ALLAN R. SAYRE
MARK D. OKEY
W. CARLTON WEDDINGTON

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

Representative Szollosi moved that the following resolution be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

H. R. No. 83-Speaker Budish.

Relative to the election of Robin D. Belcher to fill the vacancy in the membership of the House of Representatives created by the resignation of Eugene Miller of the 10th House District

WHEREAS, Section 11 of Article II, Ohio Constitution provides for the filling of a vacancy in the membership of the House of Representatives by election by the members of the House of Representatives who are affiliated with the same political party as the person last elected to the seat which has become vacant; and

WHEREAS, Eugene Miller of the 10th House District has resigned as a member of the House of Representatives of the 128th General Assembly effective May 4, 2009, thus creating a vacancy in the House of Representatives; therefore be it

RESOLVED, By the members of the House of Representatives who are affiliated with the Democrat party that Robin D. Belcher, Democrat, having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the House of Representatives from the 10th House District, is hereby

elected, effective May 27, 2009, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the House of Representatives from the 10th House District, to fill the vacancy created by the unexpired portion of the term of said Eugene Miller, ending on December 31, 2010; and be it further

RESOLVED, That a copy of this resolution be spread upon the pages of the Journal of the House of Representatives together with the yeas and nays of the members of the House of Representatives affiliated with the Democrat party voting on the resolution, and that the Clerk of the House of Representatives shall certify the resolution and vote on its adoption to the Secretary of State.

The yeas and nays were taken and resulted - yeas 50, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Book	Boyd	Carney	Celeste
Chandler	DeBose	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	Sayre
Schneider	Skindell	Slesnick	Stewart
Sykes	Szollosi	Ujvagi	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko			Budish-50.

The resolution was adopted.

Ms. Belcher was escorted to the bar of the House by Representatives S. Williams, DeBose, Garrison, Boyd, Book, Dodd, Szollosi, Batchelder, Baker, Dolan, Boose and Snitchler, took the oath of office administered by The Honorable Armond Budish, Speaker of the Ohio House of Representatives, and entered upon the discharge of her duties.

State of Ohio
County of Franklin

I, Robin Belcher, do solemnly swear to support the Constitution of the United States and the Constitution of the State of Ohio, and faithfully to discharge and perform all duties incumbent upon me as a member of the Ohio House of Representatives, according to the best of my ability and understanding; and this I do as I shall answer unto God.

/s/ ROBIN D. BELCHER
Robin D. Belcher

Sworn to and subscribed before me this 27th day of May, 2009.

/s/ ARMOND BUDISH
Armond Budish
Speaker
Ohio House of Representatives

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. 74 - Representative Garrison

Honoring Karissa Martin on her reign as Miss Ohio 2008.

H. R. No. 75 - Representative Celeste

Honoring Nathaniel P. West as a 2009 Presidential Scholar in the Arts.

/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 27, 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 27, 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. 5-Representatives Okey, Dodd.

Cosponsors: Representatives Garrison, Ujvagi, Garland, Newcomb, Phillips, Murray, Williams, B., DeGeeter, Szollosi, Sayre, Schneider, Yuko, Luckie, Letson, Williams, S.

To amend sections 3517.01, 3517.10, 3517.106, 3517.11, 3517.153, 3517.154, 3517.992, and 3599.03 and to enact section 3517.1014 of the Revised Code to permit individuals elected or appointed to state office to establish transition funds to receive donations and to make expenditures for transition activities and inaugural celebrations, 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 0, as follows:

Those who voted in the affirmative were: Representatives

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

The bill passed.

Representative Okey moved to amend the title as follows:

Add the names: "Adams, R., Amstutz, Bacon, Baker, Balderson, Batchelder, Belcher, Blair, Blessing, Book, Boose, Boyd, Bubp, Burke, Carney, Celeste, Chandler, Coley, Combs, Daniels, DeBose, Derickson, Dolan, Domenick, Driehaus, Dyer, Evans, Fende, Foley, Gardner, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hall, Harris, Harwood, Heard, Hite, Hottinger, Jones, Jordan, Koziura, Lehner, Lundy, Maag, Mallory, Mandel, Martin, McClain, McGregor, Mecklenborg, Moran, Morgan, Oelslager, Otterman, Patten, Pillich, Pryor, Ruhl, Sears, Skindell, Slesnick, Snitchler, Stautberg, Stebelton, Stewart, Uecker, Wachtmann, Weddington, Winburn, Yates, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. 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, Dolan, Bacon, Bulp, Celeste, Coley, Blessing.

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, 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 0, as follows:

Those who voted in the affirmative were: Representatives

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

The bill passed.

Representative Skindell moved to amend the title as follows:

Add the names: "Amstutz, Belcher, Book, Boose, Burke, Carney, Combs, Daniels, DeBose, Dodd, Driehaus, Dyer, Fende, Foley, Gardner, Garland, Garrison, Gerberry, Goyal, Grossman, Hackett, Heard, Hite, Hottinger, Jones, Maag, Mallory, Mandel, Martin, Mecklenborg, Moran, Newcomb, Oelslager,

Otterman, Patten, Pryor, Ruhl, Sayre, Sears, Slesnick, Snitchler, Uecker, Weddington, Williams, B., Winburn, Yates, 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, June 2, 2009 at 11:00 o'clock a.m.

Attest:

THOMAS L. SHERMAN,
Clerk.