

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, JUNE 2, 2010

ONE HUNDRED EIGHTY-SEVENTH DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, June 2, 2010, 1:30 p.m.

The House met pursuant to adjournment.

Prayer was offered by Representative Margaret Ruhl-90th 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:

Tanner Hatcher received H. R. 254, presented by Representative Book-89th district.

Phil Van Trevren, a guest of Representative Boose-58th district.

Neal and Vicki Hatcher, Jen Coma, Larson Marquardt, and Allison, Mary and Gwen Hatcher, guests of Representative Book-89th district.

Callie Mason, a guest of Representative Garrison-93rd district.

Junior Miller and Dan Schlabach, guests of Representative Hall-97th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 542-Representative Stebelton.

Cosponsors: Representatives Huffman, Derickson, Morgan, Snitchler, Lehner, Grossman, Jordan.

To amend section 3310.02 of the Revised Code to gradually increase to 20,000 the number of Educational Choice Scholarships awarded annually.

H. B. No. 543-Representative Domenick.

Cosponsors: Representatives Blair, Chandler, Derickson, Evans, Harris, McGregor, Letson, Stebelton, Weddington, Yuko.

To amend section 5747.98 and to enact sections 4141.322 and 5747.063 of the Revised Code to allow an individual to have Ohio income taxes withheld from unemployment compensation benefits payable to that individual.

H. B. No. 544-Representatives Ruhl, Burke.

Cosponsors: Representatives Boose, Adams, J., Domenick, Derickson, Grossman, Harris, McClain, Chandler, Maag, Amstutz, Blair, Evans, Brown.

To amend sections 2925.02, 2925.03, 2925.11, and 3719.41 of the Revised Code to add synthetic cannabinoids commonly known as K2 or Spice to the list of Schedule I controlled substances, prohibit the possession of Spice, prohibit trafficking in Spice, and provide that if Spice is the drug involved in a violation of the offense of corrupting another with drugs the penalty for the violation will be the same as if marihuana was the drug involved in the offense.

H. B. No. 545-Representative Yuko.

Cosponsors: Representatives Letson, Domenick, Brown, Pryor, Book.

To enact sections 1319.21, 1319.22, 1319.23, and 3741.15 of the Revised Code to require disclosure to a merchant of the operating rules referenced in, or otherwise applicable as terms and conditions of, an electronic payment system contract, to permit the merchant to disclose operating rule information, to permit a retail dealer of gasoline to offer discount prices for gasoline purchases made by cash, debit card, check, or any similar means rather than by credit card, and to prohibit a franchise contract from limiting a franchisee from offering such a discount.

Said bills were considered the first time.

Representative Szollosi moved that the House advance to the sixth order of business, being motions and resolutions.

The motion was agreed to.

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. 327-Speaker Budish.

Relative to the election of Joshua O'Farrell to fill the vacancy in the membership of the House of Representatives created by the resignation of Allan Sayre of the 96th 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, Allan Sayre of the 96th House District has resigned as a member of the House of Representatives of the 128th General Assembly effective May 31st, 2010, 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 Democratic party that Joshua O'Farrell, 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 96th House District, is hereby elected, effective June 2nd, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the House of Representatives from the 96th House District, to fill the vacancy created by the unexpired portion of the term of said Allan Sayre, 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 Democratic 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 51, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	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	Schneider	Skindell
Slesnick	Stewart	Sykes	Szollosi
Walter	Weddington	Williams B.	Williams S.
Winburn	Yuko		Budish-51.

The resolution was adopted.

Joshua E. O'Farrell was escorted to the bar of the House by Representatives Heard, Bolon, Okey, Dodd, Snitchler, Hall, and Balderson, took the oath of office administered by The Honorable Edward O'Farrell, Tuscarawas County Common Pleas Court, and entered upon the discharge of his duties.

State of Ohio
County of Franklin

I, Joshua E. O'Farrell, 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/ JOSHUA E. O'FARRELL
Joshua E. O'Farrell

Sworn to and subscribed before me this 2nd day of June, 2010.

/s/ EDWARD O'FARRELL
Edward O'Farrell
Tuscarawas County
Common Pleas Court

Representative Szollosi moved that the House revert to the third order of business, being consideration of Senate amendments.

The motion was agreed to.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 215**-Representatives Letson, Mecklenborg, et al., were taken up for consideration.

Sub. H. B. No. 215-Representatives Letson, Mecklenborg.

Cosponsors: Representatives Hagan, Luckie, Fende, Mallory, Gardner, Lehner, Garland, Boyd, Yuko, Snitchler, Huffman, Bacon, Winburn, Amstutz, Batchelder, Beck, Belcher, Blair, Bolon, Book, Boose, Brown, Bulp, Burke, Combs, DeBose, DeGeeter, Derickson, Domenick, Dyer, Evans, Garrison, Gerberry, Goodwin, Hackett, Hall, Harris, Hite, Jordan, Lundy, McClain, McGregor, Newcomb, Oelslager, Patten, Ruhl, Sayre, Sears, Stebelton, Stewart, Uecker, Wagner, Zehringer. Senators Morano, Smith, Fedor, Gibbs, Goodman, Harris, Hughes, Patton, Schaffer, Schiavoni, Schuring, Seitz, Wagoner, Wilson, Miller, R., Strahorn.

To amend sections 119.12, 4715.03, 4715.031, 4715.06, 4715.14, 4715.141, 4715.30, and 4753.06 and to enact sections 4715.032, 4715.033, 4715.034, 4715.035, 4715.036, 4715.037, 4715.038, 4715.039, 4715.0310, 4753.091, and 5111.0211 of the Revised Code and to contingently amend Section 3 of Sub. H.B. 190 of the 128th General Assembly to modify the laws governing investigations and hearings conducted by the State Dental Board, to modify the laws specifying when certain continuing education requirements for dental hygienists are applicable, to modify the laws governing the licensure of audiologists and speech-language pathologists, to modify the laws governing appeals of administrative adjudications, and to specify a situation in which a

nursing facility is not required to submit a Medicaid claim for Medicare cost-sharing expenses.

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	O'Farrell
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Reece
Ruhl	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.

The Senate amendments to **Sub. H. B. No. 292**-Representatives Letson, Oelslager, et al., were taken up for consideration.

Sub. H. B. No. 292-Representatives Letson, Oelslager.

Cosponsors: Representatives Yuko, Phillips, Ujvagi, Harwood, Domenick, Stebelton, Chandler, Luckie, Foley, Batchelder, Blessing, Boose, Boyd, Brown, Bubp, Carney, Combs, DeBose, Evans, Garland, Garrison, Hackett, Harris, Huffman, Maag, Mallory, Mecklenborg, Murray, Pillich, Sayre, Snitchler, Stewart, Wagner, Winburn. Senators Kearney, Buehrer, Carey, Faber, Fedor, Gibbs, Gillmor, Harris, Hughes, Niehaus, Patton, Schaffer, Schiavoni, Seitz, Turner, Wagoner, Wilson, Miller, R.

To amend sections 119.01, 1125.19, 1125.28, 1157.01, 1165.01, 5307.11, 5307.12, 5307.13, 5307.14, and 5307.16; to amend, for the purpose of

adopting new section numbers as indicated in parentheses, sections 1157.01 (1157.09) and 1165.01 (1165.09); to enact new sections 1157.01, 1157.03 to 1157.06, 1157.10 to 1157.14, 1157.17 to 1157.29, 1165.01, 1165.03 to 1165.06, 1165.10 to 1165.14, and 1165.17 to 1165.29 and sections 1157.30, 1157.33, 1165.30, 1165.33, and 5301.057; and to repeal sections 1157.02 to 1157.29 and 1165.02 to 1165.29 of the Revised Code relative to liquidations and conservatorships of banks, savings and loan associations, and savings banks, to prohibit transfer fee covenants in certain real estate transactions, and 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.

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

06/02/2010

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 the Senate amendments to **Sub. H. B. No. 292**-Representatives Letson, Oelslager, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ RAYMOND PRYOR
RAYMOND PRYOR
State Representative
85th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 92, nays 5, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Bacon	Baker
Balderson	Batchelder	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	Murray	Newcomb
O'Farrell	Oelsluger	Okey	Otterman
Patten	Phillips	Pillich	Reece
Ruhl	Sears	Skindell	Slesnick
Snitchler	Stauberg	Stebelon	Stewart
Sykes	Szollosi	Uecker	Wagner
Walter	Weddington	Williams B.	Williams S.
Winburn	Yuko	Zehringer	Budish-92.

Representatives Adams J., Beck, Morgan, Schneider, and Wachtmann voted in the negative-5.

The Senate amendments were concurred in.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Wachtmann submitted the following report:

The standing committee on Health to which was referred **H. B. No. 457**-Representatives Goyal, Zehringer, et al., having had the same under consideration, reports it back and recommends its passage.

RE: ADVANCED PRACTICE NURSE

BARBARA BOYD	JOHN PATRICK CARNEY
LYNN R. WACHTMANN	TROY BALDERSON
DAVE BURKE	EDNA BROWN
COURTNEY COMBS	RANDY GARDNER
BRUCE W. GOODWIN	DENISE DRIEHAUS
MATT HUFFMAN	TOM LETSON
ROBERT MECKLENBORG	DEBORAH NEWCOMB
W. SCOTT OELSLAGER	DEBBIE PHILLIPS
STEPHEN SLESNICK	ROLAND WINBURN
KENNY YUKO	

The report was agreed to.

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

Representative Blair submitted the following report:

The standing committee on Local Government/Public Administration to which was referred **H. B. No. 505**-Representative Heard, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: COUNTY OFFICERS/EMPLOYEES HEALTH AND WELLNESS
BENEFITS

Representative Yuko moved to amend as follows:

In line 11, after " following" insert " insurance, coverage, or"

In line 13, after " or" insert " a"; after " contractor" insert an underlined comma

In line 26, after " Any" insert " other"

In line 81 strike through "health"; delete " or any"

In line 82, delete " other"

In line 176, after " Code" insert an underlined comma

In line 178, after " deduct" insert " that amount"; delete " that amount" and insert an underlined comma

In line 180, after the first " the" insert " county"; delete " in the county"

The motion was agreed to and the bill so amended.

KATHLEEN CHANDLER
JOHN DOMENICK
KENNY YUKO
NAN BAKER
TIMOTHY DERICKSON

W. CARLTON WEDDINGTON
STEPHEN SLESNICK
TERRY BLAIR
TERRY BOOSE
MARGARET RUHL

The report was agreed to.

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

Representative Baker submitted the following report:

The standing committee on Economic Development to which was referred **H. B. No. 521**-Representatives Goyal, Garland, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SMALL BUSINESS WORKING CAPITAL LOAN PROGRAM

DEBBIE PHILLIPS
JOE WALTER
TRACY HEARD
GERALD L. STEBELTON
TODD SNITCHLER
CHERYL GROSSMAN
JEFF WAGNER
RON AMSTUTZ
DENISE DRIEHAUS

T. TODD BOOK
JAY P. GOYAL
MATT LUNDY
JAY HOTTINGER
SANDRA WILLIAMS
JARROD MARTIN
DAVE HALL
TIMOTHY J. DEGEETER
DENNIS MURRAY

RAYMOND PRYOR
PETER BECK

NAN BAKER

The report was agreed to.

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

Representative Snitchler submitted the following report:

The standing committee on Public Utilities to which was referred **Am. Sub. S. B. No. 162**-Senator Buehrer, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: REVISE REGULATION OF TELEPHONE COMPANIES

RANDY GARDNER
MATT SZOLLOSI
MARK D. OKEY
RON GERBERRY
JENNIFER GARRISON
RAYMOND PRYOR
MIKE MORAN
JOSEPH W. UECKER
PETER BECK
LOUIS W. BLESSING

TROY BALDERSON
SANDRA WILLIAMS
DEBORAH NEWCOMB
LORRAINE M. FENDE
CONNIE PILLICH
TIMOTHY J. DEGEETER
JARROD MARTIN
COURTNEY COMBS
TODD SNITCHLER

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 Civil and Commercial Law to which was referred **Am. Sub. S. B. No. 204**-Senator Wagoner, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: MOTOR VEHICLE DEALERS LAW

Representative Okey moved to amend the title as follows:

Add the names: "Representatives Okey, Murray, Book, Coley, Dyer, Stebelton."

MARK D. OKEY
W. SCOTT OELSLAGER
BILL COLEY
MIKE FOLEY
ROBERT MECKLENBORG
GERALD L. STEBELTON

DENNIS MURRAY
T. TODD BOOK
STEPHEN DYER
MATT HUFFMAN
MICHAEL J. SKINDELL

The report was agreed to.

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

Representative Wachtmann submitted the following report:

The standing committee on Health to which was referred **Am. Sub. S. B. No. 210**-Senators Coughlin, Kearney, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: HEALTHY CHOICES FOR HEALTHY CHILDREN COUNCIL

BARBARA BOYD
LYNN R. WACHTMANN
RANDY GARDNER
DENISE DRIEHAUS
TOM LETSON
DEBORAH NEWCOMB
DEBBIE PHILLIPS
ROLAND WINBURN

JOHN PATRICK CARNEY
EDNA BROWN
BRUCE W. GOODWIN
MATT HUFFMAN
ROBERT MECKLENBORG
W. SCOTT OELSLAGER
STEPHEN SLESNICK
KENNY YUKO

The following members voted "NO"

TROY BALDERSON

DAVE BURKE

The report was agreed to.

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

Representative Zehringer submitted the following report:

The standing committee on Agriculture and Natural Resources to which was referred **Am. S. B. No. 270**-Senator Hughes, et al., having had the same under consideration, reports it back and recommends its passage.

RE: DAM CONSTRUCTION PERMIT PILOT PROGRAM

JOHN DOMENICK
RICHARD ADAMS
LINDA S. BOLON
TIMOTHY DERICKSON
JENNIFER GARRISON
CLIFF HITE
DEBORAH NEWCOMB
DEBBIE PHILLIPS
MARGARET RUHL
W. CARLTON WEDDINGTON

JAMES ZEHRINGER
TROY BALDERSON
TERRY BOOSE
DAN DODD
DAVE HALL
DENNIS MURRAY
MARK D. OKEY
RAYMOND PRYOR
JEFF WAGNER

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 in full, 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. 321-Speaker Budish, 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, DeBose, 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, Yates, Yuko, Zehringer.

In memory of the Honorable Harold "Dean" Conley.

WHEREAS, The members of the House of Representatives of the 128th General Assembly of Ohio were deeply saddened to learn of the death of the Honorable Harold "Dean" Conley and extend our heartfelt condolences to his family and friends; and

WHEREAS, Dean Conley left an indelible impression on the people whose lives he touched, and he will be remembered as a spirited individual who contributed immeasurably to the world around him. A veteran of the U.S. Navy, he was a member of the Ohio House of Representatives for seven terms, and he was instrumental in the passage of sixty laws and the establishment of 911 emergency response; and

WHEREAS, Dean Conley's regard for improving the quality of life in our society was clearly evident in his personal sacrifices of time and effort to his family, friends, and community. Giving generously of his energy and abilities in all of his endeavors, he displayed exceptional concern and insight, and his absence will be keenly felt; and

WHEREAS, A devoted father to his son, Adam, Dean Conley always used his talents to the benefit of others, and the laurels of his life stand as a tribute not only to him but also to those he left behind. Although the void his death has created can never be filled, the legacy of care and commitment he established will surely live on. The world is a richer place for his having been in it, and he will be sorely missed; therefore be it

RESOLVED, That we, the members of the House of Representatives of

the 128th General Assembly of Ohio, in adopting this Resolution, express a profound sense of loss and sincere regret at the death of the Honorable Harold "Dean" Conley and, in so doing, pay tribute to the memory of a truly unique individual; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit a duly authenticated copy of this Resolution to the family of Harold "Dean" Conley.

The resolution was adopted.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 220-Representative Chandler.

Cosponsors: Representatives Blair, Brown, Derickson, Gardner, Hagan, Harwood, Letson, Skindell, Weddington, Williams, B., Yuko.

To amend sections 7.10, 7.11, 7.12, 118.17, 131.23, 133.18, 133.55, 135.05, 301.02, 301.15, 301.28, 306.35, 306.43, 306.70, 307.022, 307.041, 307.10, 307.12, 307.676, 307.70, 307.79, 307.791, 307.81, 307.82, 307.83, 308.13, 317.20, 319.11, 319.54, 321.18, 322.02, 322.021, 323.08, 323.73, 324.02, 324.021, 343.08, 345.03, 349.03, 501.07, 503.05, 503.162, 503.41, 504.02, 504.03, 504.12, 504.21, 505.108, 505.17, 505.264, 505.28, 505.373, 505.55, 505.73, 511.23, 511.25, 511.28, 511.34, 513.14, 515.04, 517.12, 517.22, 521.03, 705.16, 711.35, 715.011, 715.47, 718.09, 718.10, 719.012, 719.05, 721.03, 721.15, 721.20, 723.07, 727.011, 727.012, 727.08, 727.14, 727.46, 729.08, 729.11, 731.141, 731.20, 731.21, 731.211, 731.22, 731.23, 731.24, 731.25, 735.05, 735.20, 737.32, 745.07, 747.05, 747.11, 747.12, 755.41, 755.42, 755.43, 759.47, 951.11, 1515.08, 1515.24, 1545.09, 1545.12, 1547.302, 1711.05, 1711.07, 1711.18, 1711.30, 1728.06, 2105.09, 2329.26, 3311.21, 3311.213, 3311.214, 3311.50, 3311.53, 3311.73, 3313.41, 3313.533, 3313.911, 3349.29, 3354.12, 3355.09, 3375.41, 3381.11, 3501.03, 3505.13, 3709.21, 3735.36, 3735.66, 4301.80, 4301.81, 4503.06, 4504.02, 4504.021, 4504.15, 4504.16, 4504.18, 4513.62, 4582.31, 4585.10, 4928.20, 4929.26, 4929.27, 4931.51, 4931.52, 4931.53, 5126.42, 5310.35, 5540.031, 5540.05, 5543.10, 5552.06, 5553.05, 5553.19, 5553.23, 5553.42, 5555.07, 5555.27, 5555.42, 5559.06, 5559.10, 5559.12, 5561.04, 5561.08, 5571.011, 5573.02, 5573.10, 5575.01, 5575.02, 5591.15, 5593.08, 5705.16, 5705.191, 5705.194, 5705.196, 5705.21, 5705.211, 5705.218, 5705.25, 5705.251, 5705.261, 5705.314, 5705.71, 5713.01, 5715.17, 5715.23, 5719.04, 5721.01, 5721.03, 5721.04, 5721.18, 5721.31, 5722.13, 5723.05, 5727.57, 5733.23, 5739.021, 5739.022, 5739.026, 5739.101, 5747.451, 5748.02, 5748.021, 5748.04, 5748.08, 6101.16, 6103.05, 6103.06, 6103.081, 6103.31, 6105.131, 6115.01, 6115.20, 6117.06, 6117.07, 6117.251, 6117.49, 6119.10, 6119.18, 6119.22, 6119.25, and 6119.58, to enact section 7.16, and to repeal sections 7.14 and 701.04 of the Revised Code to implement the recommendations of the Local Government Public Notice Task Force by generally authorizing legal publication to be made by local governments in a newspaper of general

circulation, eliminating certain publication and postal privilege requirements, reducing the number of times publication must be made, requiring newspapers to establish a government rate for publication, allowing publication of a summary of an ordinance rather than publishing it in its entirety, and allowing a flat fee to be charged delinquent tax payers for the costs of publishing delinquent real property tax lists, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Blessing moved to amend as follows:

In line 3085, after the period delete the balance of the line

In line 3086, delete everything before "The"

In line 6515, delete " Section 2701.09 of the"

Delete line 6516

In line 6517, delete " advertisement."

In line 12087, after the underlined period delete the balance of the line

In line 12088, delete " to publication of such a tax list."

In line 12237, after the underlined period delete the balance of the line

In line 12238, delete everything before "The"

In line 12447, after the underlined period delete the balance of the line

In line 12448, delete everything before "In"

Delete line 12640

In line 12641, delete " of such an advertisement."

In line 12699, after the underlined period delete the balance of the line

Delete line 12700

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

Representative Heard 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 45, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	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	O'Farrell
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Reece	Schneider
Skindell	Slesnick	Stewart	Sykes
Szollosi	Wagner	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
			Budish-53.

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	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
			Zehringer-45.

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 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	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	O'Farrell
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Reece
Ruhl	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stewart
Sykes	Szollosi	Uecker	Wachtmann
Wagner	Walter	Weddington	Williams B.
Williams S.	Winburn	Yuko	Zehringer
			Budish-97.

Representative Stebelton voted in the negative-1.

The bill passed.

Representative Chandler moved to amend the title as follows:

Add the names: "Boose, Domenick, Driehaus, Foley, Garland, Garrison, Goyal, Harris, Koziura, Luckie, Mallory, Newcomb, Phillips, Ruhl, Wagner."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

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, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 77, nays 21, as follows:

Those who voted in the affirmative were: Representatives

Bacon	Baker	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boyd	Brown	Bubp
Carney	Celeste	Chandler	Combs
Daniels	DeGeeter	Derickson	Dodd
Driehaus	Dyer	Evans	Fende
Foley	Gardner	Garland	Garrison
Gerberry	Goodwin	Goyal	Grossman
Hackett	Hagan	Harris	Harwood
Heard	Hite	Hollington	Huffman
Koziura	Lehner	Letson	Luckie
Mallory	Mandel	Martin	McClain
Mecklenborg	Moran	Murray	Newcomb
O'Farrell	Oelslager	Okey	Otterman
Patten	Phillips	Pillich	Pryor
Reece	Schneider	Skindell	Slesnick
Snitchler	Stautberg	Stewart	Sykes
Szollosi	Wachtmann	Walter	Weddington
Williams B.	Williams S.	Winburn	Yuko
			Budish-77.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Balderson
Boose	Burke	Coley	Domenick
Hall	Hottinger	Jordan	Lundy
Maag	McGregor	Morgan	Ruhl
Sears	Stebelton	Uecker	Wagner
			Zehringer-21.

The bill passed.

Representative Carney moved to amend the title as follows:

Add the names: "Bacon, Belcher, Boyd, Carney, Celeste, Chandler, Driehaus, Evans, Garrison, Goyal, Hackett, Hagan, Harris, Heard, Koziura, Letson, Luckie, Murray, Pillich, Reece, Skindell, Sykes, Weddington, Williams, B., Winburn."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. S. B. No. 183-Senator Schaffer.

Cosponsors: Senators Patton, Kearney, Buehrer, Harris, Husted, Wagoner, Wilson, Hughes, Miller, R., Gillmor. Representatives Coley, Huffman, Mecklenborg, Stautberg, Stebelton.

To amend section 4703.18 of the Revised Code to eliminate a grandfather exemption from the requirements of the Architects Law granted to certain corporations, 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	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	O'Farrell
Oelslager	Okey	Otterman	Patten

Phillips	Pillich	Pryor	Reece
Ruhl	Sears	Skindell	Slesnick
Snitchler	Stautberg	Stebelton	Stewart
Sykes	Szollosi	Uecker	Wachtmann
Wagner	Walter	Weddington	Williams B.
Williams S.	Winburn	Yuko	Zehringer
			Budish-97.

Representative Schneider voted in the negative-1.

The bill passed.

Representative Okey moved to amend the title as follows:

Add the names: "Bolon, Brown, Combs, Domenick, Evans, Garrison, Goyal, Harwood, Luckie, Oelslager."

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.

Message from the Senate

Mr. Speaker:

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

Sub. S. B. No. 58 -Senator Hughes - et al.

Attest:

Vincent L. Keeran,
Clerk.

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:

Am. Sub. S. B. No. 110 -Senator Niehaus - et al.

Attest:

Vincent L. Keeran,
Clerk.

Representative Boyd moved that the House insist on its amendments to **Am. Sub. S. B. No. 110**-Senator Niehaus, et al. , and ask for a committee of Conference.

The motion was agreed to.

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. 181 -Senator Stewart - et al.

Attest:

Vincent L. Keeran,
Clerk.

Representative Boyd moved that the House insist on its amendments to **Sub. S. B. No. 181**-Senator Stewart, et al. , and ask for a committee of Conference.

The motion was agreed to.

On motion of Representative Boyd, the House recessed.

The House met pursuant to recess.

Clerk's Notation

June 2, 2010

Tom Sherman
Clerk, Ohio House of Representatives
Statehouse
Columbus, Ohio 43215

Dear Mr. Sherman:

Pursuant to Article II, Section 10 of the Ohio Constitution, we wish to record our Protest against the actions of the Ohio House of Representatives during the House floor debate on House Joint Resolution 15 and Senate Bill 181 on the 27th day of May, 2010.

Our reasons for the protest are as follows:

(1) During the debate on House Joint Resolution 15, Amendment 128HJR15-HF1/RYT was properly submitted in writing to the Clerk of the House by Republican Leader William Batchelder pursuant to House Rule 71(b). The Speaker of the House refused to acknowledge the submission of the amendment, in violation of House Rule 71(c), which states that: "Every amendment submitted on the floor of the House that is determined to be in order shall be considered." The Speaker of the House made no formal ruling on the propriety of the amendment and called the question as to the passage of House Joint Resolution 15, improperly ignoring the Republican Caucus's submission of the amendment, and stifling honest debate on the important issue of redistricting and how it impacts Ohioans.

(2) During the debate on Senate Bill 181, the Republican Caucus properly submitted five amendments to the Clerk of the House pursuant to House Rule 71. Representative Skindell moved to call the previous question, a motion to close debate pursuant to House Rule 101, which was agreed to on a 52-44 vote. While House Rule 82 prescribes that a motion to call the previous question takes priority over a motion to amend, the House Majority abused House Rule 71(c), which requires consideration of every amendment that has been properly submitted and is in order. By cutting off the debate on both the five proposed amendments to Senate Bill 181 and the legislation itself, the people of Ohio were deprived of a full and democratic discussion of the legislation, and robbed of the very representation that they have empowered their elected representatives to provide them. While the House Majority may have adhered to a strict, legalistic reading of the House Rules, they have violated the spirit in which these rules were created, which was to foster open and vigorous debate on the important issues that the people of Ohio care deeply about.

Sincerely,

WILLIAM G. BATCHELDER
RICHARD ADAMS
KEVIN BACON
TROY BALDERSON
TERRY BLAIR
TERRY BOOSE
DAVE BURKE
DAVID DANIELS
CLYDE EVANS
BRUCE W. GOODWIN
ROBERT HACKETT
CLIFF HITE
MATT HUFFMAN
RON MAAG
JARROD MARTIN
ROBERT MECKLENBORG

JOHN ADAMS
RON AMSTUTZ
NAN BAKER
PETER BECK
LOUIS W. BLESSING
DANNY R. BUBP
COURTNEY COMBS
TIMOTHY DERICKSON
RANDY GARDNER
CHERYL GROSSMAN
DAVE HALL
JAY HOTTINGER
KRIS JORDAN
JOSH MANDEL
JEFFREY MCCLAIN
SETH MORGAN

MARGARET RUHL
TODD SNITCHLER
GERALD L. STEBELTON
LYNN R. WACHTMANN
JAMES ZEHRINGER
BILL COLEY
PEGGY LEHNER

BARBARA R. SEARS
PETER STAUTBERG
JOSEPH W. UECKER
JEFF WAGNER
RICHARD R. HOLLINGTON
ROSS MCGREGOR

On motion of Representative Book, the House adjourned until Thursday,
June 3, 2010 at 9:00 o'clock a.m.

Attest:

THOMAS L. SHERMAN,
Clerk.