

OHIO

House

of

Representatives

JOURNAL

CORRECTED VERSION
TUESDAY, JUNE 30, 2009

SIXTY-FIRST DAY

Hall of the House of Representatives, Columbus, Ohio
Tuesday, June 30, 2009, 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Representative Tyrone Yates-33rd district, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

The following guests of the House of Representatives were recognized by Speaker Budish prior to the commencement of business:

Nichole Provonsil received H. R. 108, presented by Representative Martin-70th district.

Erica Gelhaus received H. R. 122, presented by Representative Zehringer-77th district.

Cleo Belcher, mother of Representative Belcher-10th district.

Martha Campbell, a guest of Representatives Okey-61st district and Zehringer-77th district.

Cindy and David Allen, guests of Representatives Yuko-7th district and Chandler-68th district.

Brenda, Kyle and Cameron Provonsil, guests of Representative Martin-70th district.

Amber Youngpeter, Cher Barnes and Pauline Scott, guests of Representative Wachtmann-75th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 245-Representative Sykes.

To make operating appropriations for the period beginning July 8, 2009, and ending July 14, 2009.

H. B. No. 246-Representatives Yuko, Stewart.

Cosponsors: Representatives Garland, Mallory, Pillich, Hagan, Murray, Foley, Patten, Luckie, Lundy, Winburn, Boyd, Chandler, Slesnick, Letson, Snitchler, Oelslager.

To amend sections 742.38, 4123.57, and 4123.68 of the Revised Code to provide that a firefighter, police officer, or public emergency medical services worker who is disabled as a result of specified types of cancer or certain

contagious or infectious diseases is presumed for purposes of the laws governing workers' compensation and the Ohio Police and Fire Pension Fund to have incurred the disease while performing official duties as a firefighter, police officer, or public emergency medical services worker.

Said bills were considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Am. Sub. H. B. No. 16**-Representative Sykes, et al., were taken up for consideration.

Am. Sub. H. B. No. 16-Representative Sykes.

Cosponsors: Representatives Dodd, Letson, Dyer, Phillips, Bolon, Brown, Combs, Domenick, Foley, Gerberry, Goyal, Harris, Heard, Koziura, Luckie, Mallory, Moran, Pryor, Slesnick, Stewart, Szollosi, Weddington, Williams, B., Williams, S., Winburn, Yates, Yuko. Senators Gillmor, Harris.

To amend sections 124.15, 124.18, 124.181, 124.34, 124.385, 124.392, 126.05, 2305.24, 2305.25, 4121.04, and 4123.511 of the Revised Code to make certain reductions in state employee benefits, to make changes to the Industrial Commission Law, to make operating appropriations for the period beginning July 1, 2009, and ending July 7, 2009, to authorize transfers from the Budget Stabilization Fund in fiscal year 2009, to make certain non-General Revenue Fund appropriations for fiscal year 2010, to make debt service appropriations for the FY 2010-FY 2011 biennium, to make appropriations for the Industrial Commission for the biennium beginning July 1, 2009, and ending June 30, 2011, and to provide authorization and conditions for the operation of Commission programs.

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

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

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	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	Hottinger
Huffman	Jones	Jordan	Koziura
Lehner	Letson	Luckie	Lundy
Maag	Mallory	Mandel	Martin

McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	Oelslager
Okey	Patten	Phillips	Pillich
Pryor	Ruhl	Sayre	Schneider
Sears	Slesnick	Snitchler	Stautberg
Stebelton	Stewart	Sykes	Szollosi
Uecker	Ujvagi	Wagner	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko	Zehringer		Budish-95.

Representatives Skindell and Wachtmann voted in the negative-2.

The Senate amendments were concurred in.

Representative Sykes moved to amend the title as follows:

Remove the names: "Moran, Phillips, Yuko, Harris, Dyer, Weddington, Bolon."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

REPORTS OF CONFERENCE COMMITTEES

Representative Dodd submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on Sub. H.B. 15, Representative Sykes – et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the Senate with the following amendments:

In line 572, delete " fourteen" and insert " fifteen"

In line 597, after " senate" insert " ;

(7) The governor, with the advice and consent of the senate, shall appoint one member who, by training and vocation, represents a nonprofit association of vocational rehabilitation services providers that deliver services to injured workers"

In line 817, after "(f)" delete the balance of the line

Delete lines 818 through 826

In line 827, delete " (g)"

In line 830, delete " (h)" and insert " (g)"

In line 849, delete " (i)" and insert " (h)"

In line 923, after " (D)" delete the balance of the line

Delete lines 924 and 925

In line 926, delete " premium rates, the" and insert " The"; delete " those rules" and insert " a rule that sets an estimated discount for programs or alternative premium plans"

In line 928, delete " program or alternative"; delete " plan" and insert " rate"; after " effect" insert " and shall adopt a rule that sets the actual discount for programs or alternative premium plans not later than the first day of January of the year in which the discount for programs or alternative premium plans is to be in effect"

In line 930, delete everything before the underlined period and insert " rule that sets the estimate shall not be adopted"

In line 1067, delete " of"

In line 1068, delete " workers' compensation"; delete " that"

Delete line 1069

In line 1070, delete everything before " to"

In line 1075, after " premiums" insert " of not less than two per cent"

In line 1077, delete " of"

In line 1078, delete " workers' compensation"

Delete line 1079

In line 1080, delete " offered by the bureau on the effective date of this section"

In line 1084, after " discount" insert " of not less than three per cent per year"

In line 1085, after " premiums" insert " for each year the employer participates in the program"

In line 1089, delete " program" and insert " and workplace safety programs"

In line 1865, after the underlined comma insert " but subject to division (A) of this section,"

In line 1867, after " except" insert " for the bureau of workers' compensation and"

In line 1868, delete " of workers' compensation"

In line 2079, delete "and" and insert a comma

In line 2080, after "Senate" insert ", and the Governor"

In line 2082, delete "and" and insert a comma; after "(6)" insert ", and (7)"

In line 2088, delete "and" and insert a comma; after "(6)" insert ", and (7)"

In line 2127, after "**301.**" delete the balance of the line

Delete lines 2128 through 2212

In line 2213, delete "**Section 401.**"

In line 2220, delete "**411.**" and insert "**311.**"

In line 2227, delete "**413.**" and insert "**313.**"

In line 2232, delete "(A)(4)(f),"; delete the second comma
 Managers on the Part of the House Managers on the Part of the Senate

/S/ DAN DODD
DAN DODD

/S/ STEVE BUEHRER
STEVE BUEHRER

/S/ LINDA BOLON
LINDA BOLON

/S/ KAREN GILLMOR
KAREN GILLMOR

/S/ LYNN WACHTMANN
LYNN WACHTMANN

/S/ JOSEPH SCHIAVONI
JOSEPH SCHIAVONI

The question being, "Shall the report of the committee of Conference be agreed to?"

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	Batchelder	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	Hottinger
Huffman	Jones	Jordan	Koziura
Lehner	Letson	Luckie	Lundy
Maag	Mallory	Mandel	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	Oelslager
Okey	Patten	Phillips	Pillich
Pryor	Ruhl	Sayre	Schneider
Sears	Skindell	Slesnick	Snitchler
Stautberg	Stewart	Sykes	Szollosi
Uecker	Ujvagi	Wachtmann	Wagner
Weddington	Williams B.	Williams S.	Winburn
Yates	Yuko	Zehringer	Budish-96.

Representative Stebelton voted in the negative-1.

The report of the committee of Conference was agreed to.

BILLS FOR THIRD CONSIDERATION

S. B. No. 57-Senator Gibbs.

Cosponsors: Senators Schaffer, Wagoner, Schuring, Schuler, Sawyer, Buehrer, Seitz, Hughes, Carey, Fedor, Goodman, Harris, Morano, Patton, Turner, Wilson, Miller, D., Strahorn, Miller, R., Smith, Faber, Niehaus, Cafaro. Representatives Gerberry, Lundy, Sayre, Stewart, Williams, B., Daniels, Adams, J., Grossman, Hall, Hite, Stebelton.

To amend section 2108.31 of the Revised Code to permit persons who are sixteen to donate blood with parental consent, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Szollosi moved that **S. B. No. 57**-Senator Gibbs, et al., be informally passed and retain its place on the calendar.

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

The yeas and nays were taken and resulted - yeas 55, nays 42, as follows:

Those who voted in the affirmative were: Representatives

Baker	Belcher	Bolon	Book
Boyd	Brown	Carney	Celeste
Chandler	DeBose	DeGeeter	Dodd
Domenick	Driehaus	Dyer	Fende
Foley	Garland	Garrison	Gerberry
Goyal	Hackett	Hagan	Harris
Harwood	Heard	Koziura	Letson
Luckie	Lundy	Mallory	Moran
Murray	Newcomb	Okey	Patten
Phillips	Pillich	Pryor	Sayre
Schneider	Skindell	Slesnick	Stewart
Sykes	Szollosi	Ujvagi	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko	Zehringer		Budish-55.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Balderson	Batchelder	Blair	Blessing
Boose	Bubp	Burke	Coley
Combs	Daniels	Derickson	Evans
Gardner	Goodwin	Grossman	Hall
Hite	Hottinger	Huffman	Jones
Jordan	Lehner	Maag	Mandel
Martin	McClain	McGregor	Mecklenborg
Morgan	Oelslager	Ruhl	Sears

Snitchler
Wachtmann

Stautberg

Stebelton

Uecker
Wagner-42.

The motion was agreed to.

On motion of Representative Szollosi, the House recessed.

The House met pursuant to recess.

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

The motion was agreed to.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Blessing reported for the Rules and Reference Committee recommending that the following House Bills, Senate Bills and Senate Joint Resolution be considered for the second time and referred to the following committees for consideration.

H.B. No. 241 - Representative Garland, et al

TO REQUIRE THE DIRECTOR OF HEALTH TO PRESCRIBE A FORM TO DOCUMENT MEDICAL ORDERS FOR LIFE-SUSTAINING TREATMENT AND TO MAKE CHANGES TO THE LAW GOVERNING DNR IDENTIFICATION AND ORDERS.

To the committee on Health

H.B. No. 242 - Representatives Letson and Huffman, et al

TO REQUIRE THE SUPERINTENDENT OF THE BUREAU OF CRIMINAL IDENTIFICATION AND INVESTIGATION TO ESTABLISH AND OPERATE ON THE INTERNET A DATABASE THAT CONTAINS INFORMATION FOR EVERY OFFENDER WHO WITHIN THE PRIOR 10 YEARS OR AT ANY TIME IN THE FUTURE WAS OR IS CONVICTED OF OR PLEADED OR PLEADS GUILTY TO COMMITTING A FELONY OFFENSE AGAINST A PERSON UNDER EIGHTEEN YEARS OF AGE.

To the committee on Criminal Justice

H.B. No. 245 - Representative Sykes

TO MAKE OPERATING APPROPRIATIONS FOR THE PERIOD BEGINNING JULY 8, 2009, AND ENDING JULY 14, 2009.

To the committee on Rules and Reference

Am. Sub. S.B. No. 77 - Senator Goodman, et al

TO THE EXPANSION OF DNA TESTING FOR CERTAIN CONVICTED FELONS, THE ELIMINATION OF THE DNA TESTING MECHANISM FOR FELONS WHO PLEADED GUILTY OR NO CONTEST TO THE OFFENSE, THE COLLECTION OF DNA SPECIMENS FROM ALL PERSONS EIGHTEEN YEARS OF AGE OR OLDER WHO ARE

ARRESTED FOR A FELONY OFFENSE, THE SEALING OF THE OFFICIAL RECORDS OF PERSONS WHO HAVE THEIR CONVICTIONS VACATED AND SET ASIDE DUE TO DNA TESTING, THE PRESERVATION AND ACCESSIBILITY OF BIOLOGICAL EVIDENCE IN A CRIMINAL OR DELINQUENCY INVESTIGATION OR PROCEEDING, THE IMPROVEMENT OF EYEWITNESS IDENTIFICATION PROCEDURES, AND THE ELECTRONIC RECORDING OF CUSTODIAL INTERROGATIONS.

To the committee on Criminal Justice

Sub. S.B. No. 85 - Senator Stewart, et al

TO AUTHORIZE CERTAIN POLITICAL SUBDIVISIONS TO CONTRACT FOR ENGINEERING, REPAIR, SUSTAINABILITY, WATER QUALITY MANAGEMENT, AND MAINTENANCE OF A WATER STORAGE TANK THROUGH A PROFESSIONAL SERVICE CONTRACT UNDER SPECIFIED CONDITIONS.

To the committee on State Government

Sub. S.B. No. 106 - Senators Buehrer and Kearney, et al

TO EXCLUDE FROM THE APPLICATION OF THE SAVINGS STATUTE CERTAIN ESTATE AND TRUST PROCEEDINGS THAT HAVE LIMITATION PERIODS, TO RAISE THE THRESHOLD AMOUNT FOR THE TERMINATION OR AVOIDANCE OF GUARDIANSHIPS OF SMALL ESTATES OF WARDS, TO RAISE THE THRESHOLD AMOUNT FOR THE AVOIDANCE OF GUARDIANSHIP UPON THE SETTLEMENT OF CLAIMS OF MINORS OR ADULT INCOMPETENTS, AND TO CLARIFY THAT TERMINATION OF MARRIAGE REVOKES ANY TRUST PROVISION CONFERRING A BENEFICIAL INTEREST ON THE FORMER SPOUSE.

To the committee on Civil and Commercial Law

S.J.R. No. 6 - Senators Gibbs and Wilson, et al

PROPOSING TO ENACT SECTION 1 OF ARTICLE XIV OF THE CONSTITUTION OF THE STATE OF OHIO TO CREATE THE OHIO LIVESTOCK CARE STANDARDS BOARD.

To the committee on Agriculture and Natural Resources

T. TODD BOOK
BARBARA BOYD
MATT LUNDY
JOHN ADAMS
KRIS JORDAN

JOSEPH KOZIURA
TIMOTHY J. DEGEETER
LOUIS W. BLESSING
WILLIAM G. BATCHELDER

Representative Book 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 Bills, Senate Bills and Senate Joint Resolution contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said House Bills, Senate Bills and Senate Joint Resolution were considered the second time and referred as recommended.

MOTIONS AND RESOLUTIONS

Representative Blessing reported for the Rules and Reference Committee recommending that the following House Concurrent Resolution and Senate Concurrent Resolution be introduced and referred to the following committees for consideration:

H.C.R. No. 27 - Representative Snitchler, Stautberg, Huffman, Blessing, Combs, Grossman, Gardner, Derickson, Boose, Stebelton

TO EXPRESS THE GENERAL ASSEMBLY'S SUPPORT FOR THE COMMERCIAL DOCKET PILOT PROJECT ESTABLISHED BY THE SUPREME COURT.

To the committee on Judiciary

S.C.R. No. 12 - Senator Grendell, Fedor, Gibbs, Gillmor, Harris, Miller, D., Niehaus, Sawyer, Schuring, Smith, Miller, R., Hughes, Turner, Schiavoni, Strahorn, Morano, Stewart

TO REQUEST THE SUPREME COURT TO AMEND THE OHIO RULES OF CRIMINAL PROCEDURE TO PROVIDE FOR OPEN DISCOVERY.

To the committee on Criminal Justice

/s/ TODD BOOK

Todd Book, Chair

Representative Book moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be introduced and referred as recommended.

The motion was agreed to.

Said resolutions were 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. 122 - Representative Zehringer

Honoring Erica Gelhaus as Miss Ohio 2009.

H.R. No. 123 - Representative Dodd

Honoring Brad Liston as a 2009 Division II State Track and Field Champion.

H.R. No. 124 - Representative Wachtmann

Honoring Ayla Eley as the 2009 Miss Teen Ohio-World.

H.R. No. 125 - Representative Newcomb

Honoring Mallory Kreider as a 2009 Division II State Track and Field Champion.

H.R. No. 126 - Representative Sears

Honoring Katherine Jamieson as a 2009 Division III State Track and Field Champion.

H.R. No. 127 - Representative Sears

Honoring the Ottawa Hills High School Quiz Bowl team as the 2009 National Champion.

H.R. No. 128 - Representatives Slesnick, Oelslager

Honoring Kandace Thomas as a 2009 Division I State Track and Field Champion.

/s/ TODD BOOK
Todd Book, Chair

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

The motion was agreed to.

Message from the Speaker

Pursuant to H. C. R. No. 24, 128th General Assembly, the Speaker hereby appoints the following members to the Joint Select Committee on the Impact of the Changing Automobile Industry in Ohio:

Representatives Lundy (Chair), Hagan and Sears.

On motion of Representative Book, the House adjourned until Wednesday, July 1, 2009 at 1:30 p.m.

Attest:

THOMAS L. SHERMAN,
Clerk.