

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, OCTOBER 28, 2009

ONE HUNDREDTH DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, October 28, 2009, 1:30 p.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Ron Baker of the West Union Church of Christ in West Union, 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:

Representative Danny Bulp-88th district was awarded the Legion of Merit, presented by General Martin Post of the United States Marine Corps.

Tony Ortiz received H. R. 134, presented by Representative Martin-70th district.

Hugh F. "Trey" Daley III received H. R. 166, presented by Representative Yates-33rd district.

Dwann Crawford, Shawnese Strickland, Demetrian James, Aaron Seawright, Tracy Johnson, Shenthe Mangrum, Michael Taylor, Lou Ortez and Sam Hawkins, guests of Representative Belcher-10th district.

Sheila Klasovski and students from the Capital University accelerated nursing program, guests of Representative Harris-19th district.

Fourth grade students from the Columbus School for Girls and Lilly the grand niece of Representative Celeste-24th district, guests of Representative Garland-20th district.

Les Kuglics, Pam and Megan Murray, guests of Representative Dyer-43rd district.

Chuck Ujvagi and Otto Schropp, guests of Representative Ujvagi-47th district.

Kevin Hoopingarner, a guest of Representative Fende-62nd district.

Michael Finkee, a guest of Representative Batchelder-69th district.

Eric Sears, a guest of Representative Martin-70th district.

Jeff Ankney, a guest of Representative Goodwin-74th district.

Erie County environmental activists, guests of Representative Murray-80th district.

Dr. Terry Johnson, former Congressman Rob Portman, guests of Representative Bulp-88th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 336-Representative Garrison.

Cosponsors: Representatives Phillips, Pillich, Domenick, Patten, Williams, B., Yuko, Winburn, Bolon.

To amend section 3517.092 of the Revised Code to prohibit an elected officer of a political subdivision or a candidate for an elective office of a political subdivision from accepting contributions from an employee of that political subdivision who is or who would be supervised, directly or indirectly, by the public officer or candidate.

H. B. No. 337-Representatives Baker, Boose.

Cosponsors: Representatives Adams, J., Adams, R., Bacon, Balderson, Batchelder, Blair, Blessing, Bubp, Burke, Daniels, Derickson, Evans, Gardner, Goodwin, Grossman, Hackett, Hall, Hottinger, Huffman, Lehner, Mandel, Martin, McClain, Mecklenborg, Morgan, Oelslager, Ruhl, Sears, Stautberg, Uecker, Wagner, Zehringer.

To enact section 122.09 of the Revised Code to require the Department of Development annually to compile a report of companies that relocated out of this state and to attempt to determine the motivation behind the relocations.

H. B. No. 338-Representatives Book, Uecker.

Cosponsors: Representatives Evans, Domenick, Harwood, Okey, Bolon.

To enact section 4510.73 of the Revised Code to allow, in certain circumstances, all issues concerning a person's driver's license to be litigated in a single court.

H. B. No. 339-Representative Yates.

To amend sections 5149.02 and 5149.10 of the Revised Code to limit a member of the Ohio Parole Board who is not a victim representative to two six-year terms.

H. B. No. 340-Representative Yates.

To amend sections 4112.02, 4112.05, 4112.08, and 4112.14 of the Revised Code to specify that discrimination by an employer against any person because of the person's credit history is an unlawful discriminatory practice under the Ohio Civil Rights Law.

Said bills were considered the first time.

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

Representative Wagner submitted the following report:

The standing committee on Agriculture and Natural Resources to which was referred **Am. S. B. No. 51**-Senator Morano, et al., having had the same under consideration, reports it back and recommends its passage.

RE: DESIGNATE LAST WEEK OF MAY AS OHIO TURFGRASS WEEK

JOHN DOMENICK	ALLAN R. SAYRE
JEFF WAGNER	RICHARD ADAMS
TROY BALDERSON	LINDA S. BOLON
TERRY BOOSE	TIMOTHY DERICKSON
DAN DODD	MATTHEW J. DOLAN
JENNIFER GARRISON	DAVE HALL
DENNIS MURRAY	DEBORAH NEWCOMB
MARK D. OKEY	RAYMOND PRYOR
MARGARET RUHL	W. CARLTON WEDDINGTON
JAMES ZEHRINGER	

The report was agreed to.

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

Representative Dolan submitted the following report:

The standing committee on Judiciary to which was referred **H. B. No. 238**-Representative Harwood, et al., having had the same under consideration, reports it back and recommends its passage.

RE: FULLY DISCLOSE ASSETS/DIVORCE

SANDRA STABILE HARWOOD	MARK SCHNEIDER
MATTHEW J. DOLAN	KEVIN BACON
DANNY R. BUBP	TED CELESTE
BILL COLEY	MARK D. OKEY
MICHAEL J. SKINDELL	

The report was agreed to.

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

Representative Dolan submitted the following report:

The standing committee on Judiciary to which was referred **H. B. No. 244**-Representative Harwood, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: SPOUSAL SEPARATION - DIVISION OF PROPERTY

Representative Harwood moved to amend as follows:

In line 185, after " spouses" insert " to the modification"

The motion was agreed to and the bill so amended.

SANDRA STABILE HARWOOD	MARK SCHNEIDER
MATTHEW J. DOLAN	KEVIN BACON
DANNY R. BUBP	TED CELESTE
BILL COLEY	MARK D. OKEY
MICHAEL J. SKINDELL	

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, October 28, 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, October 28, 2009, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

Pursuant to House Rule 114, Speaker Budish referred the following resolution to the committee on Rules and Reference:

H. R. No. 162-Representative Sears.

To amend House Rule 28 to consolidate the standing committees of the House of Representatives.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 27-Representative Gerberry.

Cosponsors: Representatives Hagan, Okey, Bolon, Carney, Domenick, Foley, Yuko, Combs, Balderson, McClain, Ruhl, Zehringer.

To amend sections 4501.21, 4503.571, and 5533.52 and to enact sections 4501.14, 4501.243, 4503.498, 4503.499, 4503.505, 4503.563, 4503.89, 4503.94, 5533.093, 5533.333, 5533.372, 5533.606, 5533.872, 5533.93, 5533.95, and 5533.96 of the Revised Code to create certain special license plates and to designate certain memorial highways and a memorial bridge, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Hagan moved to amend as follows:

In line 10, delete "4501.243,"

In line 11, delete "4503.563,"

Delete lines 272 through 281

Delete lines 416 through 461

In line 465, after " motorcycle" insert " when the registrar determines that producing a purple heart motorcycle license plate is feasible"

In line 2 of the title, delete "4501.243,"

In line 3 of the title, delete "4503.563,"

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

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	Blessing	Bolon
Book	Boose	Bubp	Burke
Carney	Celeste	Chandler	Coley
Combs	Daniels	DeBose	DeGeeter
Derickson	Dodd	Dolan	Domenick
Driehaus	Dyer	Fende	Foley
Gardner	Garland	Garrison	Gerberry
Goodwin	Goyal	Grossman	Hackett
Hagan	Hall	Harris	Harwood
Heard	Hite	Hottinger	Huffman
Jordan	Koziura	Lehner	Letson
Luckie	Lundy	Maag	Mallory
Mandel	Martin	McClain	McGregor
Mecklenborg	Moran	Morgan	Murray
Newcomb	Oelslager	Okey	Otterman
Phillips	Pillich	Pryor	Ruhl
Sayre	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Ujvagi	Wachtmann	Wagner	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko	Zehringer		Budish-95.

The motion was agreed to and the bill so amended.

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

Representative Mandel moved to amend as follows:

In line 12, after "5533.606," insert "5533.621,"

Between lines 644 and 645, insert:

" Sec. 5533.621. In addition to the designation of the road known as state route number forty-eight in section 5533.62 of the Revised Code, the portion of state route forty-eight located within the municipal corporation of Loveland only, shall be known as the "Captain David S. Mitchell Memorial Highway."

The director of transportation may erect suitable markers along the highway indicating its name."

In line 4 of the title, after "5533.606," insert "5533.621,"

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

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	Blessing	Bolon
Book	Boose	Bubp	Burke
Carney	Celeste	Chandler	Coley
Combs	Daniels	DeBose	DeGeeter
Derickson	Dodd	Dolan	Domenick
Driehaus	Dyer	Fende	Foley
Gardner	Garland	Garrison	Gerberry
Goodwin	Goyal	Grossman	Hackett
Hagan	Hall	Harris	Harwood
Heard	Hite	Hottinger	Huffman
Jordan	Koziura	Lehner	Letson
Luckie	Lundy	Maag	Mallory
Mandel	Martin	McClain	McGregor
Mecklenborg	Moran	Morgan	Murray
Newcomb	Oelsluger	Okey	Otterman
Phillips	Pillich	Pryor	Ruhl
Sayre	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Ujvagi	Wachtmann	Wagner	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko	Zehringer		Budish-95.

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 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	Bubp	Burke

Carney	Celeste	Chandler	Coley
Combs	Daniels	DeBose	DeGeeter
Derickson	Dodd	Dolan	Domenick
Driehaus	Dyer	Fende	Foley
Gardner	Garland	Garrison	Gerberry
Goodwin	Goyal	Grossman	Hackett
Hagan	Hall	Harris	Harwood
Heard	Hite	Hottinger	Huffman
Jordan	Koziura	Lehner	Letson
Luckie	Lundy	Maag	Mallory
Mandel	Martin	McClain	McGregor
Mecklenborg	Moran	Morgan	Murray
Newcomb	Oelslager	Okey	Otterman
Phillips	Pillich	Pryor	Ruhl
Sayre	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Ujvagi	Wachtmann	Wagner	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko	Zehringer		Budish-95.

The bill passed.

Representative Gerberry moved to amend the title as follows:

Add the names: "Adams, R., Amstutz, Baker, Batchelder, Beck, Belcher, Blair, Blessing, Book, Boose, Bulp, Burke, Chandler, Coley, Daniels, DeBose, DeGeeter, Derickson, Dodd, Dolan, Driehaus, Dyer, Fende, Gardner, Garland, Garrison, Goodwin, Goyal, Grossman, Hackett, Hall, Harwood, Heard, Hite, Hottinger, Huffman, Jordan, Lehner, Letson, Luckie, Lundy, Maag, Mallory, Mandel, Martin, McGregor, Mecklenborg, Moran, Morgan, Newcomb, Oelslager, Phillips, Pillich, Pryor, Sayre, Sears, Skindell, Slesnick, Snitchler, Stautberg, Stewart, Szollosi, Uecker, Ujvagi, Wachtmann, Weddington, Williams, B., Williams, S., Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 38-Representative Brown.

Cosponsors: Representatives Williams, B., Ujvagi, Weddington, Batchelder, Gardner, Boyd, Sykes, Williams, S., Yates, Winburn, DeBose, Luckie, Miller, Mallory, Heard, Letson, Fende, Hagan, Carney, Foley, Yuko, Bolon, Domenick, Combs, Balderson, McClain, Ruhl, Zehringer.

To enact section 4503.701 of the Revised Code to create Prince Hall Freemason license plates, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

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	Blessing	Bolon
Book	Boose	Bubp	Burke
Carney	Celeste	Chandler	Coley
Combs	Daniels	DeBose	DeGeeter
Derickson	Dodd	Dolan	Domenick
Driehaus	Dyer	Fende	Foley
Gardner	Garland	Garrison	Gerberry
Goodwin	Goyal	Grossman	Hackett
Hagan	Hall	Harris	Harwood
Heard	Hite	Hottinger	Huffman
Jordan	Koziura	Lehner	Letson
Luckie	Lundy	Maag	Mallory
Mandel	Martin	McClain	McGregor
Mecklenborg	Moran	Morgan	Murray
Newcomb	Oelslager	Okey	Otterman
Phillips	Pillich	Pryor	Ruhl
Sayre	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Ujvagi	Wachtmann	Wagner	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko	Zehringer		Budish-95.

The bill passed.

Representative Weddington moved to amend the title as follows:

Add the names: "Blessing, Book, Chandler, Derickson, Garland, Garrison, Goyal, Hite, Jordan, Mandel, Oelslager, Slesnick, Stewart."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. S. B. No. 93-Senator Buehrer.

Cosponsors: Senators Coughlin, Faber, Miller, R., Morano, Patton, Schaffer, Schuring, Seitz, Wagoner, Fedor, Turner, Hughes, Stewart, Carey, Gibbs, Gillmor, Grendell, Harris, Kearney, Niehaus, Sawyer, Strahorn, Wilson. Representatives Gerberry, Lundy, Sayre, Stewart, Williams, B., Daniels, Hall, Hite, Stebelton.

To enact sections 149.32 and 149.321 of the Revised Code to establish the War of 1812 Bicentennial Commission, to prescribe the Commission's powers and duties, and to repeal sections 149.32 and 149.321 of the Revised Code on December 31, 2015, to terminate the commission on that date, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

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	Blessing	Bolon
Book	Boose	Bubp	Burke
Carney	Celeste	Chandler	Coley
Combs	Daniels	DeBose	DeGeeter
Derickson	Dodd	Dolan	Domenick
Driehaus	Dyer	Fende	Foley
Gardner	Garland	Garrison	Gerberry
Goodwin	Goyal	Grossman	Hackett
Hagan	Hall	Harris	Harwood
Heard	Hite	Hottinger	Huffman
Jordan	Koziura	Lehner	Letson
Luckie	Lundy	Maag	Mallory
Mandel	Martin	McClain	McGregor
Mecklenborg	Moran	Morgan	Murray
Newcomb	Oelsluger	Okey	Otterman
Phillips	Pillich	Pryor	Ruhl
Sayre	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Ujvagi	Wachtmann	Wagner	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko	Zehringer		Budish-95.

The bill passed.

Representative Murray moved to amend the title as follows:

Add the names: "Adams, R., Amstutz, Bacon, Balderson, Batchelder, Beck, Blair, Blessing, Bolon, Book, Boose, Carney, Celeste, Chandler, Coley, Combs, DeBose, DeGeeter, Derickson, Dodd, Dolan, Domenick, Dyer, Fende, Foley, Gardner, Garrison, Goodwin, Goyal, Grossman, Hackett, Hagan, Harris, Harwood, Huffman, Letson, Luckie, Maag, Mallory, Mandel, McClain, McGregor, Mecklenborg, Moran, Murray, Oelsluger, Okey, Phillips, Sears, Skindell, Slesnick, Snitchler, Stautberg, Szollosi, Uecker, Wachtmann, Williams, S., Winburn, Yates, Yuko, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 230-Representatives Moran, Zehringer.

Cosponsors: Representatives Blair, Book, DeGeeter, Domenick, Gardner, Garland, Goyal, Murray, Sayre, Slesnick, Stewart, Williams, B., Gerberry, Lundy, Daniels, Adams, J., Grossman, Hall, Hite, Stebelton.

To amend sections 103.051, 103.0511, 121.24, 122.08, 122.081, and 127.18 and to enact sections 121.81, 121.811, 121.812, 121.813, 121.814, 121.815, 121.82, 122.084, and 3745.016 of the Revised Code to enact the Common Sense Regulation Act to improve state agency regulatory processes, especially as they relate to small businesses, to require state departments to develop customer service training programs, and to require the Director of Environmental Protection to provide environmental regulatory compliance assistance to small businesses, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 94, 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	Burke	Carney
Celeste	Chandler	Coley	Combs
Daniels	DeBose	DeGeeter	Derickson
Dodd	Dolan	Domenick	Driehaus
Dyer	Fende	Foley	Gardner
Garland	Garrison	Gerberry	Goodwin
Goyal	Grossman	Hackett	Hagan
Hall	Harris	Harwood	Heard
Hite	Hottinger	Huffman	Jordan
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mallory	Mandel
Martin	McClain	McGregor	Mecklenborg
Moran	Morgan	Murray	Newcomb
Oelslager	Okey	Otterman	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-94.

The bill passed.

Representative Moran moved to amend the title as follows:

Add the names: "Adams, R., Bacon, Baker, Balderson, Beck, Belcher, Blessing, Bolon, Boose, Burke, Carney, Celeste, Chandler, Coley, Combs, DeBose, Derickson, Dodd, Dolan, Driehaus, Dyer, Fende, Garrison, Goodwin, Hackett, Harris, Heard, Hottinger, Huffman, Koziura, Letson, Luckie, Maag, Mallory, Mandel, Martin, McClain, McGregor, Mecklenborg, Morgan,

Newcomb, Oelslager, Okey, Otterman, Phillips, Pillich, Pryor, Schneider, Snitchler, Stautberg, Sykes, Szollosi, Uecker, Ujvagi, Wagner, Weddington, Williams, S., Winburn, Yates, Yuko."

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 passed the following bill in which the concurrence of the House is requested:

Sub. S. B. No. 147 -Senator Hughes

Cosponsors: Senators Faber, Fedor, Goodman, Grendell, Miller, R., Wilson, Carey, Wagoner, Stewart, Buehrer, Cates, Gibbs, Jones, Miller, D., Morano, Patton, Schaffer, Schiavoni, Smith, Turner, Harris, Strahorn

To amend section 4717.27 of the Revised Code to give the right of disposal to the United States Secretary of Veterans Affairs regarding unclaimed cremated remains of persons who are entitled to be buried in a national cemetery.

Attest:

Vincent L. Keeran,
Clerk.

Said bill was considered the first time.

Message from the Speaker

Pursuant to Ohio Revised Code section 5540.02 (A) (2) (b), the Speaker hereby appoints Representative Garrison to the Guernsey County Transportation Improvement District Board of Trustees.

On motion of Representative Szollosi, the House adjourned until Thursday, October 29, 2009 at 9:00 o'clock a.m.

Attest:

THOMAS L. SHERMAN,
Clerk.