

OHIO

House

of

Representatives

JOURNAL

TUESDAY, FEBRUARY 14, 2012

ONE HUNDRED TWENTY-SIXTH DAY
Hall of the House of Representatives, Columbus, Ohio
Tuesday, February 14, 2012, 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Father Raymond LaRussa of the St. Joan of Arc Church in Powell, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of the previous legislative day was read and approved.

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

The Ohio Wesleyan University men's soccer team received H. R. 268, presented by Representative Brenner-2nd district.

The Trotwood-Madison High School football team received H. R. 274, presented by Representative Winburn-40th district.

Ohio Education Policy Fellows, guests of Representative Celebrezze-15th district.

Sharon Gingerich, a guest of Representative Anielski-17th district.

Sean Fitzpatrick, Kareem El-Housenni, and Brooke Woidynski, guests of Representative Stinziano-25th district.

The 2011 All-American Soap Box Derby Champions, guests of Representatives Hottinger-71st district, Milkovich-45th district, and Sykes-44th district.

Stephanie Bragg, a guest of Representative Hall-97th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 448-Representative Grossman.

To amend section 4511.101 of the Revised Code to require the Director of Transportation to establish the business logo sign program and its fees by rule.

H. B. No. 449-Representative Pillich.

Cosponsors: Representatives O'Brien, Antonio, Fedor, Reece, Phillips, Letson, Yuko, Ashford, Okey.

To amend section 4141.29 of the Revised Code to permit persons who quit work to accompany the person's spouse on a military transfer to be eligible for unemployment compensation benefits.

H. B. No. 450-Representative Pillich.

Cosponsors: Representatives Driehaus, Szollosi, Antonio, Fedor, Stinziano, Reece, Yuko, Okey.

To enact section 5747.084 of the Revised Code to promote enrollment for the veterans' compensation authorized in Section 2r of Article VIII, Ohio Constitution, by enabling eligible veterans to identify themselves on the personal income tax return.

H. B. No. 451-Representative Pillich.

Cosponsors: Representatives Sykes, Antonio, Ashford, Barnes, Boyd, Budish, Carney, Celebrezze, Celeste, Cera, Clyde, Driehaus, Fedor, Foley, Garland, Gerberry, Goyal, Hagan, R., Heard, Letson, Luckie, Lundy, Mallory, Murray, O'Brien, Okey, Patmon, Phillips, Ramos, Reece, Slesnick, Stinziano, Szollosi, Weddington, Williams, Winburn, Yuko.

To amend sections 121.41, 121.48, and 121.49 of the Revised Code to change the appointing process for the Inspector General, to clarify the offices over which the Inspector General has authority, and to prohibit partisan political activity by the Inspector General and employees in the office of the Inspector General.

H. B. No. 452-Representatives Beck, Maag.

To amend section 5709.73 of the Revised Code to allow townships to exempt from taxation property consisting of at least four residential units under a pre-existing tax increment financing resolution.

H. B. No. 453-Representative Grossman.

Cosponsors: Representatives Martin, Stebelton, Thompson, Adams, J., Hagan, C., Hackett, Roegner, Fedor.

To amend sections 119.062, 119.07, 3711.14, 4713.01, 4713.02, 4713.03, 4713.06, 4713.07, 4713.08, 4713.081, 4713.09, 4713.10, 4713.14, 4713.141, 4713.16, 4713.20, 4713.21, 4713.22, 4713.24, 4713.25, 4713.26, 4713.28, 4713.29, 4713.30, 4713.31, 4713.32, 4713.34, 4713.35, 4713.37, 4713.41, 4713.42, 4713.44, 4713.45, 4713.48, 4713.55, 4713.56, 4713.58, 4713.60, 4713.61, 4713.62, 4713.63, 4713.64, 4715.30, 4717.14, 4723.281, 4725.24, 4730.25, 4731.22, 4734.36, 4734.37, 4757.361, 4760.13, 4762.13, 4774.13, 4779.29, and 5123.0414; to enact new section 4713.39 and sections 4713.66 and 4713.67; and to repeal sections 4713.17 and 4713.39 of the Revised Code to make changes to the Cosmetology Licensing Law and to change the method by which state agencies send notice of a party's right to a hearing under the Administrative Procedure Act.

H. B. No. 454-Representative Landis.

Cosponsors: Representatives Johnson, Gardner, Pillich, Grossman, Bulp, Boose, Derickson, Goodwin, Gonzales.

To enact section 5533.626 of the Revised Code to designate a portion of State Route 416 within Tuscarawas County the "Sgt. James L. Smith Memorial Highway."

H. B. No. 455-Representative Maag.

Cosponsors: Representatives Bulp, Grossman, Terhar, Gonzales, Martin, Boose, Derickson, Adams, R., Johnson, Milkovich, Stebelton, Yuko.

To enact section 5533.752 of the Revised Code to designate a portion of United States Route 42 in Warren County as the "Sergeant Brian Dulle Memorial Highway."

H. B. No. 456-Representative Hall.

To enact sections 5533.321, 5533.356, and 5533.688 of the Revised Code to designate a portion of Interstate Route 71 within Wayne County the "Army 1st Lieutenant John Runkle Memorial Highway," a portion of United States Route 250 in Ashland County the "Sheriff's Lieutenant John P. Gisclon Memorial Highway," and a portion of State Route 179 in Ashland County the "Specialist Damon G. Winkleman Memorial Highway."

H. B. No. 457-Representative O'Brien.

To enact section 311.43 of the Revised Code to generally authorize a sheriff whose office is monitoring an offender or delinquent child pursuant to an electronic monitoring order or requirement of a court, the Department of Rehabilitation and Correction, or the Department of Youth Services to charge the offender or delinquent child a fee for the monitoring.

Said bills were considered the first time.

MOTIONS AND RESOLUTIONS

Representative Blessing 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. 275-Speaker Batchelder.

Relative to the election of Mary Matheney to fill the vacancy in the membership of the House of Representatives created by the resignation of Richard Hollington of the 98th 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, Richard Hollington of the 98th House District has resigned as a member of the House of Representatives of the 129th General Assembly effective January 8, 2012, 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 Republican party that Mary Matheney, Republican, 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 98th House District, is hereby elected, effective February 14, 2012, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the House of Representatives from the 98th House District, to fill the vacancy created by the unexpired portion of the term of said Richard Hollington, ending on December 31, 2012; 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 Republican 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 57, nays 0, as follows:

Those who voted in the affirmative were: Representatives

- | | | | |
|----------|-----------|-----------|----------------|
| Adams J. | Adams R. | Amstutz | Anielski |
| Baker | Beck | Blair | Blessing |
| Boose | Brenner | Bubp | Buchy |
| Butler | Combs | Conditt | Damschroder |
| DeVitis | Derickson | Dovilla | Duffey |
| Gardner | Gonzales | Goodwin | Grossman |
| Hackett | Hagan, C. | Hall | Hayes |
| Henne | Hill | Hottinger | Huffman |
| Johnson | Kozlowski | Landis | Maag |
| Martin | McGregor | Newbold | Pelanda |
| Peterson | Roegner | Rose | Rosenberger |
| Ruhl | Schuring | Sears | Slaby |
| Sprague | Stautberg | Stebelton | Terhar |
| Thompson | Uecker | Wachtmann | Young |
| | | | Batchelder-57. |

The resolution was adopted.

Ms. Matheney was escorted to the bar of the House by Representatives Kozlowski, Young, Anielski, Roegner, Szollosi, Phillips, Heard, and Yuko, took the oath of office administered by The Honorable William G. Batchelder, Speaker of the Ohio House of Representatives, and entered upon the discharge of her duties.

State of Ohio
County of Franklin

I, Mary Brigid Matheney, 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/ MARY BRIGID MATHENEY
Mary Brigid Matheney

Sworn to and subscribed before me this 14th day of February, 2012.

/s/ WILLIAM G. BATCHELDER
William G. Batchelder
Speaker
Ohio House of Representatives

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 386-Representative Blessing.

Cosponsors: Representatives Gerberry, Combs, Letson.

To amend sections 111.15, 122.014, 173.121, 2505.09, 2505.12, 2915.01, 2915.02, 2915.06, 2915.08, 2915.09, 2915.091, 2915.092, 2915.093, 2915.094, 2915.10, 2915.101, 2915.12, 2923.31, 2933.51, 3301.0714, 3769.08, 3769.087, 3769.089, 3770.02, 3770.03, 3770.05, 3770.07, 3770.071, 3770.21, 3772.01, 3772.03, 3772.04, 3772.091, 3772.10, 3772.13, 3772.16, 3772.17, 3772.28, 3772.99, 4301.03, 4303.17, 5753.01, and 5753.03, to enact sections 121.421, 2505.122, 2915.18, and 3770.22, and to repeal section 3772.14 of the Revised Code and to amend Section 261.20.90 of Am. Sub. H.B. 153 of the 129th General Assembly, to amend Section 3 of Sub. H.B. 277 of the 129th General Assembly, and to repeal Section 4 of Sub. H.B. 277 of the 129th General Assembly to make changes to the law regarding video lottery terminals, casino gaming, bingo and instant bingo, and horse racing, to require thoroughbred and standardbred racing permit holders to pay a local tax, to create charity card rooms, to make appropriations, and to declare an emergency, was taken up for consideration the third time.

The question being, "Shall the emergency clause stand as part of the bill?"

Representative Blessing moved that **Sub. H. B. No. 386**-Representative Blessing, et al., be informally passed and retain its place on the calendar.

The motion was agreed to.

Sub. S. B. No. 83-Senator Oelslager.

Cosponsors: Senators Tavares, Cafaro, Brown, Coley, Daniels, Hughes, Niehaus, Sawyer, Schiavoni, Turner, Wilson. Representatives Goodwin, Fende, Antonio, Barnes, Gardner, Garland, Hackett, Hagan, R., Hill, Ramos, Yuko.

To amend sections 3719.06, 4723.28, 4723.481, 4723.482, 4723.492, and 4723.50 of the Revised Code to modify the authority of certain advanced practice nurses to prescribe schedule II controlled substances and to authorize the Board of Nursing to take disciplinary actions for self-administration of schedule I controlled substances, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Wachtmann moved to amend as follows:

In line 483, delete " facility" and insert " agency"

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

The yeas and nays were taken and resulted - yeas 96, nays 0, as follows:

Those who voted in the affirmative were: Representatives

- | | | | |
|-----------|-------------|-------------|----------------|
| Adams J. | Adams R. | Amstutz | Anielski |
| Antonio | Ashford | Baker | Barnes |
| Beck | Blair | Blessing | Boose |
| Boyd | Brenner | Bubp | Buchy |
| Budish | Butler | Carney | Celebrezze |
| Celeste | Cera | Clyde | Combs |
| Conditt | Damschroder | DeVitis | Derickson |
| Dovilla | Driehaus | Duffey | Fedor |
| Fende | Foley | Gardner | Garland |
| Gerberry | Gonzales | Goodwin | Goyal |
| Grossman | Hackett | Hagan, C. | Hall |
| Hayes | Heard | Henne | Hill |
| Hottinger | Huffman | Johnson | Kozlowski |
| Landis | Letson | Luckie | Lundy |
| Maag | Martin | Matheny | McGregor |
| Milkovich | Murray | Newbold | O'Brien |
| Okey | Patmon | Pelanda | Peterson |
| Phillips | Pillich | Ramos | Reece |
| Roegner | Rose | Rosenberger | Ruhl |
| Schuring | Sears | Slaby | Slesnick |
| Sprague | Stautberg | Stebelton | Stinziano |
| Sykes | Szollosi | Terhar | Thompson |
| Uecker | Wachtmann | Weddington | Williams |
| Winburn | Young | Yuko | Batchelder-96. |

The motion was agreed to and the bill so amended.

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

The yeas and nays were taken and resulted - yeas 92, nays 3, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boose
Boyd	Brenner	Bubp	Buchy
Budish	Butler	Carney	Celebrezze
Celeste	Cera	Clyde	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Driehaus	Duffey	Fedor	Fende
Foley	Gardner	Garland	Gerberry
Gonzales	Goodwin	Goyal	Grossman
Hackett	Hagan, C.	Hall	Hayes
Heard	Henne	Hill	Hottinger
Huffman	Kozlowski	Landis	Letson
Luckie	Lundy	Martin	Matheney
McGregor	Milkovich	Murray	Newbold
O'Brien	Okey	Patmon	Pelanda
Peterson	Phillips	Pillich	Ramos
Reece	Rose	Rosenberger	Ruhl
Schuring	Sears	Slaby	Slesnick
Sprague	Stautberg	Stebelton	Stinziano
Sykes	Szollosi	Terhar	Thompson
Uecker	Wachtmann	Weddington	Williams
Winburn	Young	Yuko	Batchelder-92.

Representatives Combs, Johnson, and Maag voted in the negative-3.

The bill passed.

Representative Boyd moved to amend the title as follows:

Add the names: "Amstutz, Anielski, Blessing, Brenner, Celebrezze, Celeste, Cera, Damschroder, Driehaus, Fedor, Foley, Gerberry, Hagan, C., Heard, Hottinger, Huffman, Kozlowski, Letson, Luckie, Milkovich, Murray, O'Brien, Okey, Pillich, Reece, Ruhl, Sears, Slaby, Szollosi, Weddington, Williams, Winburn, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Representative Blessing moved that House Rule 65, pertaining to the requirement that bills with an appropriations clause be referred to the committee on Finance and Appropriations, be suspended and that **Sub. H. B. No. 386**-Representative Blessing, et al., be taken up for immediate consideration the third time.

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

The yeas and nays were taken and resulted - yeas 88, nays 8, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boose
Boyd	Brenner	Bubp	Buchy
Budish	Butler	Carney	Celebrezze
Celeste	Clyde	Combs	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Driehaus	Duffey	Fedor	Fende
Foley	Gardner	Garland	Gerberry
Gonzales	Goodwin	Goyal	Grossman
Hackett	Hagan, C.	Hall	Hayes
Heard	Henne	Hill	Hottinger
Huffman	Johnson	Kozlowski	Landis
Letson	Lundy	Maag	Martin
Matheney	McGregor	Milkovich	Murray
Newbold	O'Brien	Okey	Patmon
Pelanda	Peterson	Reece	Roegner
Rose	Rosenberger	Ruhl	Schuring
Sears	Slaby	Slesnick	Sprague
Stautberg	Stebelton	Stinziano	Szollosi
Terhar	Thompson	Uecker	Wachtmann
Winburn	Young	Yuko	Batchelder-88.

Representatives Cera, Luckie, Phillips, Pillich, Ramos, Sykes, Weddington, and Williams voted in the negative-8.

The motion was agreed to.

Sub. H. B. No. 386-Representative Blessing.

Cosponsors: Representatives Gerberry, Combs, Letson.

To amend sections 111.15, 122.014, 173.121, 2505.09, 2505.12, 2915.01, 2915.02, 2915.06, 2915.08, 2915.09, 2915.091, 2915.092, 2915.093, 2915.094, 2915.10, 2915.101, 2915.12, 2923.31, 2933.51, 3301.0714, 3769.08, 3769.087, 3769.089, 3770.02, 3770.03, 3770.05, 3770.07, 3770.071, 3770.21, 3772.01, 3772.03, 3772.04, 3772.091, 3772.10, 3772.13, 3772.16, 3772.17, 3772.28, 3772.99, 4301.03, 4303.17, 5753.01, and 5753.03, to enact sections 121.421, 2505.122, 2915.18, and 3770.22, and to repeal section 3772.14 of the Revised Code and to amend Section 261.20.90 of Am. Sub. H.B. 153 of the 129th General Assembly, to amend Section 3 of Sub. H.B. 277 of the 129th General Assembly, and to repeal Section 4 of Sub. H.B. 277 of the 129th General Assembly to make changes to the law regarding video lottery terminals, casino gaming, bingo and instant bingo, and horse racing, to require thoroughbred and standardbred racing permit holders to pay a local tax, to create charity card rooms, to make appropriations, and to declare an emergency, was taken up for consideration the third time.

The question being, "Shall the emergency clause stand as part of the bill?"

On motion of Representative Sears, the House recessed.

The House met pursuant to recess.

The question recurring, "Shall the emergency clause stand as part of the bill?"

Representative Blessing moved that **Sub. H. B. No. 386**-Representative Blessing, et al., be rereferred to the committee on Rules and Reference.

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

The yeas and nays were taken and resulted - yeas 90, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boyd
Brenner	Bubp	Buchy	Budish
Butler	Carney	Celebrezze	Celeste
Cera	Clyde	Combs	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Duffey	Fedor	Fende	Foley
Gardner	Garland	Gerberry	Gonzales
Goyal	Grossman	Hagan, C.	Hall
Hayes	Heard	Henne	Hill
Hottinger	Huffman	Kozlowski	Landis
Luckie	Lundy	Maag	Martin
Matheny	McGregor	Milkovich	Murray
Newbold	O'Brien	Okey	Patmon
Pelanda	Peterson	Phillips	Pillich
Ramos	Reece	Roegner	Rose
Rosenberger	Ruhl	Schuring	Sears
Slaby	Slesnick	Sprague	Stautberg
Stebelton	Stinziano	Sykes	Szollosi
Terhar	Thompson	Uecker	Wachtmann
Weddington	Williams	Winburn	Young
Yuko			Batchelder-90.

The motion was agreed to.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate accedes to the request of the House of Representatives for a Committee of Conference on matters of difference between the two Houses on:

Sub. S. B. No. 223 -Senator Bacon - et al.

The President of the Senate has appointed as managers on the part of the Senate on such matters of difference:

Senators Bacon, Wagoner and Skindell

Attest:

Vincent L. Keeran,
Clerk.

Message from the Speaker

The Speaker hereby appoints the following members of the House to the Committee of Conference on matters of difference between the two houses on

Sub. S. B. No. 223-Senator Bacon, et al.

Representatives Slaby, Blessing and Winburn.

Message from the Speaker

Pursuant to Section 4981.02 of the Ohio Revised Code, the Speaker hereby appoints Representative R. Hagan to the Ohio Rail Development Commission.

Message from the Speaker

Pursuant to Section 5 of Sub. S. B. 162, 128th General Assembly, the Speaker hereby appoints the following members to the Select Committee on Telecommunications Regulatory Reform:

Representatives Stautberg and Williams.

Message from the Speaker

The Speaker of the House of Representatives, on February 9, 2012, signed the following:

Am. H. B. No. 212-Representative Grossman - et al.

Sub. H. B. No. 14-Representative Sears - et al.

Sub. H. B. No. 32-Representative Amstutz - et al.

Am. H. B. No. 185-Representatives Carey, O'Brien - et al.

Sub. H. B. No. 267-Representative McKenney - et al.

Sub. H. B. No. 268-Representatives Szollosi, Butler - et al.

Message from the Speaker

The Speaker of the House of Representatives, on February 14, 2012, signed the following:

S. C. R. No. 11-Senator Lehner - et al.

On motion of Representative Blessing, the House adjourned until Wednesday, February 15, 2012 at 2:00 o'clock p.m.

Attest:

JENNIFER E. WOODRING,
Clerk.