

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, FEBRUARY 15, 2011

## FOURTEENTH DAY

Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, February 15, 2011, 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Steven Alexander of the Bainbridge Church of Christ in Bainbridge, Ohio, followed by the Pledge of Allegiance to the Flag.

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

The following guest of the House of Representatives was recognized by Speaker Batchelder prior to the commencement of business:

Charles Wiedie, a guest of Representative Roegner-42nd district.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 99**-Representatives Damschroder, Garland.

Cosponsors: Representatives Antonio, Boyd, Celeste, Clyde, DeGeeter, Derickson, Dovilla, Fende, Goyal, Grossman, Hackett, Heard, Hottinger, Mallory, Murray, Okey, Pillich, Ruhl, Stebelton, Stinziano, Szollosi, Winburn, Yuko.

To enact section 4511.204 of the Revised Code to prohibit driving a vehicle while writing, sending, or reading a text-based communication on an electronic wireless communications device.

**H. B. No. 100**-Representative Williams.

Cosponsors: Representatives Szollosi, Antonio, Yuko, Reece, Letson, Milkovich, Winburn, Foley, Heard, Hagan, Murray, Weddington, Fedor, Mallory.

To enact sections 3701.781, 3701.782, 3701.783, 3701.784, 3701.785, and 3701.786 of the Revised Code to create the Lupus Education and Awareness Program.

**H. B. No. 101**-Representative Williams.

Cosponsors: Representatives Fende, Pillich, Combs, Derickson, Gentile, Weddington, Goyal, Slesnick, Milkovich, Antonio.

To amend sections 122.17 and 122.171 of the Revised Code to provide for a six-year trial period in which taxpayers may include a limited number of the taxpayer's employees who work from home and whose rate of pay is at least three times the federal minimum wage as employees employed in the project for purposes of the job creation and retention credits if the recipient of the

credit provides a specified level of capital investment, and to require the Director of Development to issue a report at the end of the six-year period.

**H. B. No. 102**-Representative Young.

Cosponsors: Representatives Adams, J., Brenner, Roegner, Huffman, Blessing, Boose, Snitchler, Thompson, Wachtmann, Blair, Uecker, Bulp, Buchy, Hall, Damschroder, Grossman, Martin, Stebelton, Maag, Slaby, Sears.

To amend sections 4116.01 to 4116.04 of the Revised Code to prohibit state agencies from requiring or prohibiting certain labor requirements as a condition of performing public works and to prohibit the appropriation of state funds for public works when political subdivisions require or prohibit certain labor requirements.

**H. B. No. 103**-Representatives Clyde, Stinziano.

Cosponsors: Representatives Beck, Butler, Carney, Driehaus, Fedor, Fende, Foley, Garland, Hagan, Heard, Letson, McKenney, Murray, Okey, Patmon, Phillips, Pillich, Ramos, Reece, Sears, Snitchler, Weddington, Yuko.

To amend sections 149.43, 149.45, 319.28, 319.54, 2903.213, 2903.214, 3113.31, 3503.15, and 3509.03 and to enact sections 111.31, 111.32, 111.321, 111.33 to 111.40, 2901.44, and 3503.151 of the Revised Code to establish an address confidentiality program for individuals who reasonably believe that they are in danger of being threatened or physically harmed by another person, to exclude the residential and familial information of a federal law enforcement officer from the definition of a public record, to include federal law enforcement officers among the protected individuals who are authorized to request a public office other than the county auditor to redact the person's address from any record made available to the general public on the internet, and to include those officers among the protected individuals who may request the county auditor to replace the person's name with the person's initials on the general tax list and duplicate.

**H. B. No. 104**-Representative Gardner.

Cosponsors: Representatives Beck, Foley, Garland, Fedor, McKenney, Buchy, Grossman, Derickson, Gonzales, Slesnick, Yuko, Martin, Balderson, Stebelton, Maag, Mecklenborg, Rosenberger, Hall, O'Brien, Okey, DeGeeter, Adams, R., Hayes, Patmon, Hackett, Antonio, Letson, Clyde, Carney, Baker, Hottinger, Boose, Blair, Huffman.

To amend section 5747.113 and to enact section 149.308 of the Revised Code to allow taxpayers to contribute a portion of their income tax refunds to the Ohio Historical Society.

Said bills were considered the first time.

**BILLS FOR THIRD CONSIDERATION**

**Am. H. B. No. 58**-Representative Beck.

Cosponsors: Representatives Adams, J., Boose, Blair, Derickson, Hackett, Hollington, Martin, Uecker, Amstutz, Stautberg, Letson, McClain.

To amend section 5701.11 of the Revised Code to expressly incorporate changes in the Internal Revenue Code since December 15, 2010, into Ohio law, 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?"

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
Ashford	Baker	Balderson	Barnes
Beck	Blair	Boose	Brenner
Bubp	Buchy	Budish	Burke
Butler	Carey	Carney	Celeste
Clyde	Coley	Combs	Damschroder
DeGeeter	Derickson	Dovilla	Driehaus
Duffey	Fedor	Fende	Gardner
Garland	Gentile	Gerberry	Gonzales
Goodwin	Goyal	Grossman	Hackett
Hall	Hayes	Heard	Henne
Hottinger	Huffman	Johnson	Kozlowski
Landis	Letson	Lundy	Maag
Mallory	Martin	McClain	McGregor
McKenney	Mecklenborg	Milkovich	Murray
Newbold	O'Brien	Okey	Patmon
Peterson	Phillips	Pillich	Reece
Roegner	Rosenberger	Ruhl	Schuring
Sears	Slaby	Slesnick	Snitchler
Sprague	Stautberg	Stebelton	Stinziano
Szollosi	Thompson	Uecker	Wachtmann
Weddington	Winburn	Young	Batchelder-88.

Representatives Antonio, Foley, Hagan, Luckie, Ramos, Sykes, Williams, and Yuko voted in the negative-8.

Having received a constitutional majority, the emergency clause stood as part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 89, nays 7, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Ashford	Baker	Balderson	Barnes

Beck	Blair	Boose	Brenner
Bubp	Buchy	Budish	Burke
Butler	Carey	Carney	Celeste
Clyde	Coley	Combs	Damschroder
DeGeeter	Derickson	Dovilla	Driehaus
Duffey	Fedor	Fende	Gardner
Garland	Gentile	Gerberry	Gonzales
Goodwin	Goyal	Grossman	Hackett
Hall	Hayes	Heard	Henne
Hottinger	Huffman	Johnson	Kozlowski
Landis	Letson	Lundy	Maag
Mallory	Martin	McClain	McGregor
McKenney	Mecklenborg	Milkovich	Murray
Newbold	O'Brien	Okey	Patmon
Peterson	Phillips	Pillich	Reece
Roegner	Rosenberger	Ruhl	Schuring
Sears	Slaby	Slesnick	Snitchler
Sprague	Stautberg	Stebelton	Stinziano
Szollosi	Thompson	Uecker	Wachtmann
Weddington	Williams	Winburn	Young
			Batchelder-89.

Representatives Antonio, Foley, Hagan, Luckie, Ramos, Sykes, and Yuko voted in the negative-7.

Having received the required constitutional majority, the bill passed as an emergency measure.

Representative Beck moved to amend the title as follows:

Add the names: "Adams, R., Anielski, Ashford, Baker, Balderson, Brenner, Bubp, Buchy, Burke, Butler, Carey, Carney, Coley, Combs, Damschroder, DeGeeter, Dovilla, Duffey, Fedor, Garland, Gonzales, Goodwin, Grossman, Hall, Hayes, Henne, Huffman, Johnson, Landis, Lundy, Maag, Mallory, McKenney, Mecklenborg, Milkovich, Newbold, O'Brien, Peterson, Phillips, Roegner, Rosenberger, Ruhl, Schuring, Sears, Slaby, Sprague, Stebelton, Thompson, Wachtmann, Young, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

#### Message from the Speaker

Pursuant to Section 3353.02 of the Ohio Revised Code, the Speaker hereby appoints Representatives Newbold and Stinziano to the eTech Ohio Commission.

On motion of Representative Huffman, the House recessed.

The House met pursuant to recess.

Representative Grossman 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 Phillips submitted the following report:

The standing committee on Rules and Reference to which was re-referred **H. B. No. 56**-Representative Murray, et al., having had the same under consideration, reports it back and recommends its re-referral to the committee on Judiciary and Ethics.

RE: RESIDENTIAL FORECLOSURE CASES

LOUIS W. BLESSING  
JOHN ADAMS  
CHERYL GROSSMAN  
MATT SZOLLOSI  
ARMOND BUDISH

WILLIAM G. BATCHELDER  
DAVE BURKE  
ANNE GONZALES  
DEBBIE PHILLIPS

The report was agreed to.

The bill was ordered to be engrossed and rereferred to the committee on Judiciary and Ethics.

Representative Phillips reported for the Rules and Reference Committee recommending that the following House Bills be considered for the second time and referred to the following committees for consideration.

#### **H.B. No. 95 - Representative Stautberg, et al**

TO PERMIT CERTAIN RATE-CALCULATION ADJUSTMENTS FOR NATURAL GAS COMPANIES, ELIMINATE PUBLIC NOTICE REQUIREMENTS FOR RATE CASES, AND, FOR NATURAL GAS COMPANIES, TO MAKE OTHER REGULATORY CHANGES CONCERNING AUDITS, ALTERNATIVE RATE PLANS, AND FORECAST REPORTS, AND ALLOWING APPLICATIONS FOR NATURAL GAS COMPANY CAPITAL EXPENDITURE PROGRAMS.  
To the committee on Public Utilities

#### **H.B. No. 96 - Representatives Celeste and Brenner, et al**

TO SPECIFY DYSLEXIA AS A SPECIFIC LEARNING DISABILITY AND TO REQUIRE A PILOT PROJECT TO PROVIDE EARLY SCREENING AND INTERVENTION SERVICES FOR CHILDREN WITH DYSLEXIA.  
To the committee on Education

**H.B. No. 97 - Representatives Hollington and Carney, et al**

TO REQUIRE THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO MAKE A HIGH DEDUCTIBLE HEALTH CARE PLAN AVAILABLE TO STATE EMPLOYEES AND STATE ELECTED OFFICIALS AND TO DECLARE AN EMERGENCY.

To the committee on Health and Aging

**H.B. No. 98 - Representative Hollington, et al**

TO REDUCE THE MAXIMUM EFFECTIVE INCOME TAX RATE APPLICABLE TO UNEARNED INCOME OF PERSONS AGE 70 1/2 YEARS OR OLDER TO 1%, BEGINNING IN 2013.

To the committee on Ways and Means

LOUIS W. BLESSING  
JOHN ADAMS  
ANNE GONZALES  
ARMOND BUDISH  
MATT SZOLLOSI

WILLIAM G. BATCHELDER  
DAVE BURKE  
CHERYL GROSSMAN  
DEBBIE PHILLIPS

Representative Grossman 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 all House Bills 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 were considered the second time and referred as recommended.

### MOTIONS AND RESOLUTIONS

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

**H.C.R. No. 4 - Representative Rosenberger, et al**

TO URGE THE PRESIDENT OF THE UNITED STATES TO DIRECT THE UNITED STATES DEPARTMENT OF ENERGY TO ENSURE THE CONTINUATION OF THE URANIUM ENRICHMENT WORK BEING DEVELOPED BY USEC, INC., AT ITS PIKETON, OHIO PLANT BY GRANTING USEC'S APPLICATION FOR A FEDERAL LOAN GUARANTEE AND TO DIRECT THE SECRETARY OF ENERGY TO STRONGLY CONSIDER PROVIDING FEDERAL FUNDING ASSISTANCE FOR THE CLEAN ENERGY PARK DEMONSTRATION PROJECT.

To the committee on Public Utilities

**H.R. No. 31 - Representative Mallory**

TO URGE THE ADMINISTRATOR OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO GRANT AN EMERGENCY EXEMPTION FOR THE USE OF THE INSECTICIDE PROPOXUR TO CONTROL BEDBUGS IN OHIO.

To the committee on Health and Aging

/s/ LOUIS BLESSING

Louis Blessing, Chair

Representative Grossman 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.

On motion of Representative Grossman, the House adjourned until Wednesday, February 16, 2011 at 1:30 p.m.

Attest:

LAURA P. CLEMENS,  
Clerk.