

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, FEBRUARY 23, 2011

EIGHTEENTH DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, February 23, 2011, 1:30 p.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Paul Snoddy of the Tri Valley Christian Church in Pataskala, 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 Batchelder prior to the commencement of business:

The University of Akron men's soccer team received H. R. 34, presented by Representative Sykes-44th district.

Granddaughter Alexandria Patmon and Bill Patmon, III, son, of Representative Patmon-10th district.

Christina Hagan, a guest of Representative Snitchler-50th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 120-Representatives Carey, Gentile.

Cosponsors: Representatives Burke, Murray, Combs, Yuko, O'Brien, Milkovich, Stebelton, Balderson, Letson, Antonio, Hall.

To create the Water Access To Every Residence Task Force.

H. B. No. 121-Representative Rosenberger.

Cosponsors: Representatives Gonzales, O'Brien, Mecklenborg, Beck, Pillich, Johnson, Thompson, Bulp, Martin, Slaby, Fende.

To amend sections 3109.04 and 3109.051 of the Revised Code regarding child custody and visitation rights of parents called to active military service.

Said bills were considered the first time.

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

Representative Gerberry submitted the following report:

The standing committee on State Government and Elections to which was referred **H. B. No. 31**-Representative Combs, having had the same under consideration, reports it back and recommends its passage.

RE: OFFICIAL CHILDRENS BOOK AND AUTHOR - LENTIL

ROBERT MECKLENBORG	RON GERBERRY
JOHN ADAMS	LOUIS W. BLESSING
JIM BUCHY	TED CELESTE
KATHLEEN CLYDE	COURTNEY COMBS
MIKE DOVILLA	TERESA FEDOR
CHERYL GROSSMAN	RICHARD HOLLINGTON
TOM LETSON	MATT LUNDY
RON MAAG	BILL PATMON
ROBERT COLE SPRAGUE	MICHAEL STINZIANO
VERNON SYKES	RON YOUNG

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

Representative Adams, J. moved that majority party members asking leave to be absent or absent the week of Wednesday, February 23, 2011, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Heard moved that minority party members asking leave to be absent or absent the week of Wednesday, February 23, 2011, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

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. 29-Speaker Batchelder, Representative Budish.

Relative to travel allowance.

WHEREAS, Section 101.27 of the Revised Code provides that each member receive a travel reimbursement based upon the mileage from and to the member's place of residence, by the most direct highway route of public travel to and from the seat of government; therefore be it

RESOLVED, That the Chief Administrative Officer of the House of Representatives is hereby authorized to pay members whose mileage was not paid for the last quarter of the second year of the 128th General Assembly; and be it further

RESOLVED, That the Chief Administrative Officer of the House of Representatives is hereby authorized to pay the following members travel allowance based upon their round trip mileage as set opposite their names and district numbers:

Member's Name	District Number	Round Trip Mileage
John Adams	78	153
Richard Adams	79	157
Ron Amstutz	03	202
Marlene Anielski	17	276.64
Nickie Antonio	13	273
Michael Ashford	48	291
Nan Baker	16	300
Troy Balderson	94	115
John E. Barnes, Jr.	12	286
William G. Batchelder	69	230
Peter Beck	67	188
Terry Blair	38	157
Louis Blessing	29	216
Terry Boose	58	212.2
Barbara Boyd	09	306
Andrew Brenner	02	42.4
Danny Bubp	88	212
Jim Buchy	77	196
Armond Budish	08	295.35
Dave Burke	83	70
James Butler	37	154
John Carey	87	156
John Carney	22	N/A
Ted Celeste	24	N/A
Kathleen Clyde	68	276
Bill Coley	55	177
Courtney E. Combs	54	210
Rex Damschroder	81	222
Timothy DeGeeter	15	276
Timothy Derickson	53	218
Mike Dovilla	18	258
Denise Driehaus	31	224
Mike Duffey	21	N/A
Teresa Fedor	47	284.4
Lorraine M. Fende	62	320
Mike Foley	14	270
Randy Gardner	06	244
Nancy Garland	20	N/A
Louis Gentile	95	304
Ron Gerberry	59	335
Anne Gonzales	19	N/A
Bruce Goodwin	74	283
Jay Goyal	73	128.4
Cheryl Grossman	23	N/A
Robert Hackett	84	52
Robert Hagan	60	346
Dave Hall	97	170
William C. Hayes	91	56
Tracy Heard	26	N/A
Michael Henne	36	158
Cliff Hite	76	201
Richard Hollington	98	302
Jay Hottinger	71	76.8
Matt Huffman	04	180

Terry Johnson	89	180
Casey Kozlowski	99	420
Allen C. Landis	96	246
Peggy Lehner	37	157
Tom Letson	64	340
Clayton Luckie	39	144
Matt Lundy	57	254
Ron Maag	35	160
Dale Mallory	32	216.6
Jarrold Martin	70	132
Jeffrey McClain	82	141
Ross McGregor	72	90
Todd McKenney	43	256
Robert Mecklenborg	30	240
Zack Milkovich	45	253
Dennis Murray	80	242
Craig Newbold	01	369
Sean O'Brien	65	364
Mark Okey	61	286
Bill Patmon	10	293.6
Bob Peterson	85	100
Debbie Phillips	92	149
Connie Pillich	28	N/A
Dan Ramos	56	245
Alicia Reece	33	200
Kristina Roegner	42	269
Cliff Rosenberger	86	146
Margaret Ann Ruhl	90	108
Kirk Schuring	51	252
Barbara Sears	46	276
Lynn Slaby	41	250
Stephen Slesnick	52	268
Todd Snitchler	50	264
Robert Cole Sprague	76	206.6
Peter Stautberg	34	222
Gerald Stebelton	05	62
Michael Stinziano	25	N/A
Vernon Sykes	44	250
Matthew Szollosi	49	300
Andrew Thompson	93	248
Joseph Uecker	66	196
Lynn Wachtmann	75	295.6
Carlton Weddington	27	N/A
Sandra Williams	11	293
Roland Winburn	40	150
Ron Young	63	344
Kenny Yuko	07	300
Jim Zehringer	77	240

The yeas and nays were taken and resulted - yeas 97, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Balderson
Barnes	Beck	Blair	Blessing
Boose	Brenner	Bubp	Buchy
Budish	Burke	Butler	Carey
Carney	Celeste	Clyde	Coley
Combs	DeGeeter	Derickson	Dovilla
Driehaus	Duffey	Fedor	Fende
Foley	Gardner	Garland	Gentile

Gerberry	Gonzales	Goodwin	Goyal
Grossman	Hackett	Hagan	Hall
Hayes	Heard	Henne	Hollington
Hottinger	Huffman	Johnson	Kozlowski
Landis	Letson	Luckie	Lundy
Maag	Mallory	Martin	McClain
McGregor	McKenney	Mecklenborg	Milkovich
Murray	Newbold	O'Brien	Okey
Patmon	Peterson	Phillips	Pillich
Ramos	Reece	Roegner	Rosenberger
Ruhl	Schuring	Sears	Slaby
Slesnick	Snitchler	Sprague	Stautberg
Stebelton	Stinziano	Sykes	Szollosi
Thompson	Uecker	Wachtmann	Weddington
Williams	Winburn	Young	Yuko
			Batchelder-97.

The resolution was adopted.

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. C. R. No. 5-Representative Blessing.

Authorizing a joint convention of the Ohio General Assembly for the purpose of receiving a message from the Governor and calling for a committee to wait upon the Governor in anticipation of his State of the State Address.

WHEREAS, The members of the 129th General Assembly of Ohio, by adoption of this Resolution, call for a joint session of the legislature, to be held in the House Chambers of the Ohio Statehouse, March 8, 2011 at 12:00 o'clock p.m.; and

WHEREAS, The Ohio General Assembly annually convenes a joint session of the House and Senate for the purpose of receiving a message from the Governor as to the State of the State; and

WHEREAS, The members of the 129th General Assembly of Ohio, by adoption of the Resolution, call for a committee of nine on the part of the House of Representatives and eight on the part of the Senate to be appointed to wait upon the Governor in anticipation of his State of the State Address, March 8, 2011 at 12:00 o'clock p.m.; and

WHEREAS, It is a tradition of courtesy for the Ohio General Assembly to appoint a committee to wait upon the Governor; therefore be it

RESOLVED, That we, the members of the 129th General Assembly of Ohio, in adopting this Resolution, authorize a joint convention of the legislature to be held in the House Chambers of the Ohio Statehouse, Columbus, March 8, 2011 at 12:00 o'clock p.m., for the purpose of welcoming the Governor, the Honorable John Kasich, and receiving his message on the State of the State; and be it further

RESOLVED, That we, the members of the 129th General Assembly of Ohio, in adopting this Resolution, call for a committee of nine on the part of the House of Representatives and eight on the part of the Senate to be appointed to wait upon the Governor; and be it further

RESOLVED, That the rules and customs of the House shall be observed during the use of the House Chambers; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to Governor John Kasich and to the news media of Ohio.

The yeas and nays were taken and resulted - yeas 97, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Balderson
Barnes	Beck	Blair	Blessing
Boose	Brenner	Bubp	Buchy
Budish	Burke	Butler	Carey
Carney	Celeste	Clyde	Coley
Combs	DeGeeter	Derickson	Dovilla
Driehaus	Duffey	Fedor	Fende
Foley	Gardner	Garland	Gentile
Gerberry	Gonzales	Goodwin	Goyal
Grossman	Hackett	Hagan	Hall
Hayes	Heard	Henne	Hollington
Hottinger	Huffman	Johnson	Kozlowski
Landis	Letson	Luckie	Lundy
Maag	Mallory	Martin	McClain
McGregor	McKenney	Mecklenborg	Milkovich
Murray	Newbold	O'Brien	Okey
Patmon	Peterson	Phillips	Pillich
Ramos	Reece	Roegner	Rosenberger
Ruhl	Schuring	Sears	Slaby
Slesnick	Snitchler	Sprague	Stautberg
Stebelton	Stinziano	Sykes	Szollosi
Thompson	Uecker	Wachtmann	Weddington
Williams	Winburn	Young	Yuko
			Batchelder-97.

The resolution was adopted.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 2-Representatives Snitchler, Stautberg.

Cosponsors: Representatives Boose, McClain, McKenney, Huffman, Adams, J., Uecker, Gardner, Mecklenborg, Pillich, Thompson, Kozlowski, Derickson, Amstutz, Murray, Beck, Stinziano, Blair, Balderson, Roegner, Newbold, Baker, Sears, Maag, Dovilla, Grossman, Henne, Hayes, Adams, R., Stebelton, Buchy, Combs, Damschroder, Letson, Lundy, Patmon, Sprague, Sykes, Carey, Peterson, Goyal, Garland, Slaby, Slesnick, Duffey.

To enact sections 117.46, 117.461, 117.462, 117.463, 117.47, 117.471, and 117.472 of the Revised Code to require performance audits of most state agencies, to loan funds to state agencies and local public offices to pay for performance audits, and to make an appropriation, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Celeste moved to amend as follows:

In line 167, after "(A)" insert "The initial performance audit conducted by the Auditor of State pursuant to section 117.46 shall be of the Department of Development.

(B)"

In line 168, delete "the initial" and insert "beginning in the biennium after the biennium in which the initial performance audit is conducted, the next performance audits"

Delete line 169

In line 170, delete "section 117.46 of the Revised Code"

In line 178, delete "(A)" and insert "(B)"

In line 182, delete "(B)(1)" and insert "(C)"; delete "audits of the" and insert "initial audit"

Delete lines 183 and 184

In line 185, delete "not listed in section 121.02 of the Revised Code"

Delete lines 187 through 189

In line 190, delete "(C)" and insert "(D)"

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

The yeas and nays were taken and resulted - yeas 39, nays 58, as follows:

Those who voted in the affirmative were: Representatives

Antonio	Ashford	Barnes	Budish
Carney	Celeste	Clyde	DeGeeter
Driehaus	Fedor	Fende	Foley

Garland	Gentile	Gerberry	Goyal
Hagan	Heard	Letson	Luckie
Lundy	Mallory	Milkovich	Murray
O'Brien	Okey	Patmon	Phillips
Pillich	Ramos	Reece	Slesnick
Stinziano	Sykes	Szollosi	Weddington
Williams	Winburn		Yuko-39.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Balderson	Beck	Blair
Blessing	Boose	Brenner	Bubp
Buchy	Burke	Butler	Carey
Coley	Combs	Derickson	Dovilla
Duffey	Gardner	Gonzales	Goodwin
Grossman	Hackett	Hall	Hayes
Henne	Hollington	Hottinger	Huffman
Johnson	Kozlowski	Landis	Maag
Martin	McClain	McGregor	McKenney
Mecklenborg	Newbold	Peterson	Roegner
Rosenberger	Ruhl	Schuring	Sears
Slaby	Snitchler	Sprague	Stautberg
Stebelton	Thompson	Uecker	Wachtmann
Young			Batchelder-58.

The motion to amend was not agreed to.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 97, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Balderson
Barnes	Beck	Blair	Blessing
Boose	Brenner	Bubp	Buchy
Budish	Burke	Butler	Carey
Carney	Celeste	Clyde	Coley
Combs	DeGeeter	Derickson	Dovilla
Driehaus	Duffey	Fedor	Fende
Foley	Gardner	Garland	Gentile
Gerberry	Gonzales	Goodwin	Goyal
Grossman	Hackett	Hagan	Hall
Hayes	Heard	Henne	Hollington
Hottinger	Huffman	Johnson	Kozlowski
Landis	Letson	Luckie	Lundy
Maag	Mallory	Martin	McClain
McGregor	McKenney	Mecklenborg	Milkovich
Murray	Newbold	O'Brien	Okey
Patmon	Peterson	Phillips	Pillich
Ramos	Reece	Roegner	Rosenberger
Ruhl	Schuring	Sears	Slaby
Slesnick	Snitchler	Sprague	Stautberg
Stebelton	Stinziano	Sykes	Szollosi

Thompson
Williams

Uecker
Winburn

Wachtmann
Young

Weddington
Yuko
Batchelder-97.

The bill passed.

Representative Snitchler moved to amend the title as follows:

Add the names: "Anielski, Antonio, Ashford, Barnes, Blessing, Brenner, Bubp, Budish, Burke, Butler, Carney, Clyde, Coley, DeGeeter, Driehaus, Fedor, Fende, Foley, Gerberry, Gonzales, Hackett, Hall, Heard, Hottinger, Johnson, Landis, Mallory, Martin, McGregor, Milkovich, O'Brien, Okey, Phillips, Reece, Rosenberger, Ruhl, Schuring, Szollosi, Wachtmann, Weddington, Young, Yuko, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Message from the Speaker

February 21, 2011

Speaker William G. Batchelder
Ohio House of Representatives
77 South High Street
14th Floor Riffe Center
Columbus, Ohio 43215

Speaker Batchelder,

I am hereby submitting my letter of resignation to the Ohio House of Representatives effective Monday, February 28, 2011. I will be continuing my public service at the Public Utilities Commission of Ohio starting on March 1, 2011.

I want to express my sincere gratitude and appreciation for the opportunities my time in the Ohio House has presented me as we all work for the betterment of Ohio. It has been my honor and privilege to serve under your leadership and I wish you continued success.

Respectfully,

/s/ TODD A. SNITCHLER
Todd A. Snitchler

Message from the Speaker

February 23, 2011

The Honorable Todd Snitchler
50th District
Ohio House of Representatives
77 South High Street
Columbus, Ohio 43215

Dear Representative Snitchler:

This is to acknowledge receipt and acceptance of your letter of resignation, effective Monday, February 28, 2011.

You have served your constituents and the state of Ohio well over the years and I am confident you will continue to do so as chair of the Public Utilities Commission of Ohio.

Sincerely,

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

On motion of Representative Blessing, the House adjourned until Thursday, February 24, 2011 at 8:45 a.m.

Attest:

LAURA P. CLEMENS,
Clerk.