

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

**CORRECTED VERSION**  
**TUESDAY, MARCH 1, 2011**

## TWENTIETH DAY

Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, March 1, 2011, 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Representative Huffman-4th district, followed by the Pledge of Allegiance to the Flag.

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

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 126**-Representatives Grossman, Gonzales.

To amend section 4501.81 of the Revised Code to provide that when a person submits an application to the Registrar of Motor Vehicles or a deputy registrar for a new or renewal driver's license, commercial driver's license, temporary instruction permit, motorcycle operator's license or endorsement, or identification card, the individual must be furnished with a next of kin information form on which the individual may list information for inclusion in the next of kin database of the Bureau of Motor Vehicles.

**H. B. No. 127**-Representative Luckie.

Cosponsors: Representatives Antonio, Szollosi, Murray, Winburn, Williams.

To amend section 3719.41 of the Revised Code to add six synthetic derivatives of cathinone that have been found in bath salts to the list of Schedule I controlled substances.

**H. B. No. 128**-Representatives Carey, Peterson.

Cosponsors: Representatives Balderson, Combs, Kozlowski, Slaby, Hollington, Maag, Antonio, Boose, Grossman, Derickson, Amstutz.

To amend sections 4765.07, 4765.43, and 4766.03 and to repeal section 4765.431 of the Revised Code to revise the requirements for staffing ambulances and the priorities for distributing grants for emergency medical services.

**H. B. No. 129**-Representative Mallory.

Cosponsors: Representatives Williams, Boyd, Weddington, Patmon, Combs, Mecklenborg, Huffman, Wachtmann, Maag, Derickson, Yuko, Fedor, Foley, Gerberry, Antonio, Letson, Milkovich, Murray, O'Brien, Hagan, Szollosi, Beck.

To enact sections 3701.137 and 3707.012 of the Revised Code to establish the Bed Bug Awareness, Education, and Prevention Program and to require boards of health to adopt vermin control policies under which bedbug infestations are treated in the same manner as other infestations and to make an appropriation.

**H. B. No. 130**-Representative Mallory.

Cosponsors: Representatives Yuko, Williams, Antonio, Letson.

To amend section 5502.03 and to enact section 5502.04 of the Revised Code to create the Infrastructure Protection Center within the Division of Homeland Security of the Department of Public Safety.

**H. B. No. 131**-Representative Reece.

Cosponsors: Representatives Murray, Hagan, Ramos, Antonio, Clyde.

To amend section 4113.99 and to enact section 4113.73 of the Revised Code to prohibit employers from using a consumer report or investigative consumer report for employment purposes.

**H. B. No. 132**-Representative DeGeeter.

Cosponsors: Representatives Antonio, Blair, Foley, Letson, Lundy, Murray, Weddington, Yuko.

To amend sections 2929.12 and 2929.22 of the Revised Code to require a court imposing sentence for certain drug possession offenses to take into consideration that the offender was seeking medical assistance for the offender or another person for a drug-related overdose and that evidence related to the offense was obtained as a result of seeking that assistance.

**H. B. No. 133**-Representative Adams, J.

Cosponsors: Representatives Beck, Blessing, Boose, Brenner, Buchy, Burke, Combs, Gonzales, Goodwin, Grossman, Hackett, Hall, Hayes, Huffman, Landis, Maag, Martin, McKenney, Rosenberger, Ruhl, Sears, Stebelton, Thompson, Uecker, Wachtmann, Young.

To amend sections 123.01, 1505.07, 1531.06, and 3345.181, to enact sections 131.50, 1509.70, 1509.71, 1509.72, 1509.73, and 1509.74, and to repeal sections 5119.40, 5120.12, and 5123.23 of the Revised Code to create the Oil and Gas Leasing Board and to establish a procedure by which the Board may enter into leases for oil and gas production on land owned or under the control of a state agency for the purpose of providing funding for capital and operating costs for the agency.

**H. B. No. 134**-Representative Schuring.

Cosponsors: Representatives Young, Hall, Adams, J., Combs, Okey, Stebelton, Wachtmann, Mecklenborg, Balderson, Hollington, Slaby.

To amend sections 5747.01 and 5747.02 and to enact section 5747.014 of the Revised Code to reduce the income tax rate on capital gains reinvested in Ohio-based investments.

**H. B. No. 135**-Representative Burke.

Cosponsors: Representatives Adams, J., Blessing, Celeste, Combs, Derickson, Fedor, Grossman, Letson, Murray, Stinziano.

To amend sections 3313.813 and 3314.18 of the Revised Code to require direct certification of students for free school meal benefits at least five times each school year.

**H. B. No. 136**-Representative Huffman.

Cosponsors: Representatives Goodwin, Roegner, Adams, J., Thompson, McClain, Amstutz, Anielski, Brenner, Young, Derickson, Blessing, Slaby, Mecklenborg, Butler, Wachtmann, Stautberg, Blair, Maag, Uecker, Newbold, Sears, Patmon, Buchy, Combs, Hall, Gonzales, Martin, Landis, Speaker Batchelder, Representatives Stinziano, Beck, Henne, Bulp, Hollington, Boose, Hottinger, Burke.

To amend sections 109.57, 109.572, 3301.0714, 3310.01, 3310.04, 3310.06, 3310.07, 3310.11, 3310.12, 3310.14, 3310.15, 3310.17, 3317.03, 4776.01, and 5727.84; to enact new sections 3310.02, 3310.03, 3310.05, 3310.08, 3310.09, 3310.10, and 3310.13 and sections 3310.16, 3310.18, 3310.51, 3310.52, 3310.521, 3310.53, 3310.54, 3310.55, 3310.56, 3310.57, 3310.58, 3310.59, 3310.60, 3310.61, 3310.62, 3310.63, 3310.64, and 3323.052; and to repeal sections 3310.02, 3310.03, 3310.05, 3310.08, 3310.09, 3310.10, 3310.13, 3313.974, 3313.975, 3313.976, 3313.977, 3313.978, 3313.979, and 3314.111 of the Revised Code to replace the Educational Choice and the Cleveland scholarship programs with the Parental Choice and Taxpayer Savings Scholarship Program and to establish the Special Education Scholarship Program.

Said bills were considered the first time.

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

Representative Luckie submitted the following report:

The standing committee on Education to which was referred **H. B. No. 21**-Representative Combs, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: TEACH FOR AMERICA

Representative Stebelton moved to amend the title as follows:

Add the names: "Roegner, Newbold, Stebelton."

GERALD L. STEBELTON	CRAIG NEWBOLD
MARLENE ANIELSKI	NAN BAKER
ANDREW BRENNER	JIM BUTLER
TIMOTHY DERICKSON	BILL HAYES
MICHAEL HENNE	MATT HUFFMAN
CASEY KOZLOWSKI	RON MAAG
KRISTINA ROEGNER	ANDY THOMPSON
TED CELESTE	TERESA FEDOR
BILL PATMON	

The following members voted "NO"

CLAYTON LUCKIE	NICKIE ANTONIO
DENISE DRIEHAUS	RON GERBERRY
DEBBIE PHILLIPS	DAN RAMOS

The report was agreed to.

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

Representative Luckie submitted the following report:

The standing committee on Education to which was referred **H. B. No. 36**-Representatives Kozlowski, Carey, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SCHOOL CALAMITY DAYS

GERALD L. STEBELTON	CRAIG NEWBOLD
MARLENE ANIELSKI	NAN BAKER
ANDREW BRENNER	JIM BUTLER
TIMOTHY DERICKSON	BILL HAYES
MICHAEL HENNE	MATT HUFFMAN
CASEY KOZLOWSKI	RON MAAG
KRISTINA ROEGNER	ANDY THOMPSON
CLAYTON LUCKIE	NICKIE ANTONIO
TED CELESTE	DENISE DRIEHAUS
TERESA FEDOR	RON GERBERRY
BILL PATMON	DEBBIE PHILLIPS
DAN RAMOS	

The report was agreed to.

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

Representative Williams submitted the following report:

The standing committee on Economic and Small Business Development to which was referred **H. B. No. 61**-Representatives Thompson, Martin, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: EMPLOYERS ALLOW USE OF COMPENSATORY TIME

Representative Baker moved to amend the title as follows:

Add the name: "Buchy."

NAN BAKER	JIM BUCHY
MARLENE ANIELSKI	PETER BECK
MIKE DOVILLA	ANNE GONZALES
CHERYL GROSSMAN	MICHAEL HENNE
CASEY KOZLOWSKI	AL LANDIS
CRAIG NEWBOLD	ANDY THOMPSON

The following members voted "NO"

SANDRA WILLIAMS	JOHN BARNES
TED CELESTE	DENISE DRIEHAUS
JAY P. GOYAL	TRACY HEARD
ALICIA REECE	STEPHEN SLESNICK
ROLAND WINBURN	

The report was agreed to.

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

### **BILLS FOR THIRD CONSIDERATION**

**H. B. No. 22**-Representative Bulp.

To amend sections 951.02, 951.10, and 951.99 of the Revised Code regarding the liability of owners of certain animals that are running at large, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

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	Balderson
Barnes	Beck	Blair	Blessing
Boose	Brenner	Bulp	Buchy
Budish	Burke	Butler	Carey
Carney	Celeste	Clyde	Coley

Combs	Damschroder	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	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	Sprague	Stautberg	Stebelton
Stinziano	Sykes	Szollosi	Thompson
Uecker	Wachtmann	Weddington	Williams
Winburn	Young	Yuko	Batchelder-96.

The bill passed.

Representative Bulp moved to amend the title as follows:

Add the names: "Adams, J., Adams, R., Antonio, Ashford, Baker, Balderson, Barnes, Beck, Blessing, Boose, Brenner, Buchy, Burke, Butler, Carey, Carney, Clyde, Combs, Damschroder, Derickson, Dovilla, Driehaus, Duffey, Fende, Garland, Gentile, Gerberry, Gonzales, Goodwin, Goyal, Hackett, Hagan, Hall, Hayes, Heard, Henne, Hottinger, Johnson, Landis, Luckie, Mallory, Martin, McClain, McGregor, Milkovich, Murray, O'Brien, Patmon, Peterson, Ramos, Roegner, Rosenberger, Ruhl, Slaby, Slesnick, Sprague, Stebelton, Szollosi, Thompson, Uecker, Wachtmann, Weddington, Young, Batchelder."

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 concurred in the passage of the following bill:

#### **Sub. H. B. No. 58** -Representative Beck

Cosponsors: Representatives Adams, J., Boose, Blair, Derickson, Hackett, Hollington, Martin, Uecker, Amstutz, Stautberg, Letson, McClain, Adams, R., Anielski, Ashford, Baker, Balderson, Brenner, Bulp, 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, Speaker Batchelder Senators Schaffer, Patton, Daniels, Faber, Hite, Hughes, Jones, Obhof, Oelslager, Sawyer, Stewart, Wagoner, Widener, Wilson

To amend sections 122.171, 718.151, 5701.11, 5725.98, 5729.98, 5733.0610, 5733.98, 5747.058, 5747.98, 5751.50, and 5751.98 of the Revised Code to expressly incorporate changes in the Internal Revenue Code since December 15, 2010, into Ohio law, to authorize a refundable job retention tax credit, to temporarily extend the look-back period from two years to three years for determining whether a state "on" indicator exists based on the total unemployment rate for purposes of state extended unemployment benefits, and to declare an emergency.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

Vincent L. Keeran,  
Clerk.

On motion of Representative Blessing, the House recessed.

The House met pursuant to recess.

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

**H.B. No. 120 - Representatives Carey and Gentile, et al**  
TO CREATE THE WATER ACCESS TO EVERY RESIDENCE TASK  
FORCE.

To the committee on Agriculture and Natural Resources

**H.B. No. 121 - Representative Rosenberger, et al**  
REGARDING CHILD CUSTODY AND VISITATION RIGHTS OF  
PARENTS CALLED TO ACTIVE MILITARY SERVICE.

To the committee on Veterans Affairs



**H.B. No. 122 - Representative Hottinger**

TO EXEMPT STATE SURPLUS LINES INSURANCE FROM REGULATION IN OHIO WHEN OHIO IS NOT THE HOME STATE OF THE INSURED AND TO MAKE OTHER CHANGES TO THE LAW REGULATING SURPLUS LINES INSURANCE.

To the committee on Insurance

**H.B. No. 123 - Representative Hottinger**

TO ALLOW THE ADMINISTRATOR OF WORKERS' COMPENSATION TO WAIVE CRITERIA CERTAIN PUBLIC EMPLOYERS MUST SATISFY TO BECOME SELF-INSURING EMPLOYERS; TO REQUIRE BILLS FOR MEDICAL AND VOCATIONAL REHABILITATION SERVICES IN CLAIMS THAT ARE ULTIMATELY DENIED TO BE PAID FROM THE SURPLUS FUND ACCOUNT UNDER SPECIFIED CIRCUMSTANCES; TO MAKE OTHER CHANGES TO THE WORKERS' COMPENSATION LAW; TO MAKE APPROPRIATIONS FOR THE BUREAU OF WORKERS' COMPENSATION AND FOR THE WORKERS' COMPENSATION COUNCIL FOR THE BIENNIUM BEGINNING JULY 1, 2011, AND ENDING JUNE 30, 2013; AND TO PROVIDE AUTHORIZATION AND CONDITIONS FOR THE OPERATION OF THE BUREAU'S AND THE COUNCIL'S PROGRAMS.

To the committee on Insurance

**H.B. No. 124 - Representative Hottinger**

TO MAKE APPROPRIATIONS FOR THE INDUSTRIAL COMMISSION FOR THE BIENNIUM BEGINNING JULY 1, 2011, AND ENDING JUNE 30, 2013, AND TO PROVIDE AUTHORIZATION AND CONDITIONS FOR THE OPERATION OF COMMISSION PROGRAMS.

To the committee on Insurance

**H.B. No. 125 - Representative Wachtmann, et al**

TO GENERALLY PROHIBIT AN ABORTION OF AN UNBORN HUMAN INDIVIDUAL WITH A DETECTABLE FETAL HEARTBEAT.

To the committee on Health and Aging

**Sub. S.B. No. 2 - Senator Hughes, et al**

TO ADOPT A NEW BUSINESS RULE REVIEW PROCEDURE.

To the committee on Economic and Small Business Development

**Sub. S.B. No. 4 - Senator Schaffer, et al**

TO REQUIRE PERFORMANCE AUDITING BY THE AUDITOR OF STATE OF A MINIMUM OF FOUR STATE AGENCIES EACH BIENNIUM, TO ESTABLISH THE LEVERAGE FOR EFFICIENCY, ACCOUNTABILITY, AND PERFORMANCE FUND, AND TO MAKE AN APPROPRIATION.

To the committee on State Government and Elections

LOUIS W. BLESSING  
ANDREW BRENNER

JOHN ADAMS  
DAVE BURKE

ANNE GONZALES  
ARMOND BUDISH  
DEBBIE PHILLIPS

CHERYL GROSSMAN  
TRACY HEARD  
MATT SZOLLOSI

Representative Huffman 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 and Senate 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 and Senate 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 Resolutions and Senate Concurrent Resolution be introduced and referred to the following committee for consideration:

**H.C.R. No. 7 - Representative Letson, et al**

TO URGE THE GOVERNMENT OF TURKEY TO RESPECT THE RIGHTS AND RELIGIOUS FREEDOMS OF THE ECUMENICAL PATRIARCHATE.

To the committee on Judiciary

**H.C.R. No. 8 - Representative Stinziano, O'Brien**

DECLARING MARCH 2011 AS BRAIN INJURY AWARENESS MONTH IN OHIO.

To the committee on Health and Aging

**S.C.R. No. 2 - Senator Widener, et al**

TO URGE THE PRESIDENT OF THE UNITED STATES AND THE ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TO SELECT THE NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE AT WRIGHT-PATTERSON AIR FORCE BASE NEAR DAYTON, OHIO, FOR PUBLIC DISPLAY OF A SPACE SHUTTLE ORBITER.

To the committee on Veterans Affairs

/s/ LOUIS BLESSING

Louis Blessing, Chair

Representative Huffman 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 Phillips reported for the Rules and Reference Committee recommending that the following House Resolution be read by title only and approved:

**H.R. No. 37 – Speaker Batchelder**

Honoring the Sandridge Food Corporation on receiving a 2011 Edison Center Award for Excellence.

/s/ LOUIS BLESSING

Louis Blessing, Chair

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

The motion was agreed to.

On motion of Representative Huffman, the House adjourned until Wednesday, March 2, 2011 at 1:30 p.m.

Attest:

LAURA P. CLEMENS,  
Clerk.