

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, MARCH 2, 2011

TWENTY-FIRST DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, March 2, 2011, 1:30 p.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Bob Hostetler of the Cobblestone Community Church in Oxford, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 137-Representatives Phillips, Driehaus.

Cosponsors: Representatives Murray, Lundy, Yuko, Hagan, R., Foley, Szollosi, Okey, Pillich, Garland, Clyde.

To amend sections 121.083, 1349.61, 4111.02, 4111.14, 4113.15, 4115.03, 4121.01, 4123.01, 4123.026, 4141.01, and 5747.01 and to enact sections 4175.01 to 4175.18 and 4175.99 of the Revised Code to create a generally uniform definition of employee for specified labor laws and to create a uniform standard to determine whether an individual performing services for an employer is an employee of that employer.

H. B. No. 138-Representative Gerberry.

Cosponsors: Representatives Hagan, R., Fedor, Yuko, Letson, Phillips.

To amend sections 109.73, 317.08, 959.131, 1717.01, 1717.04, 1717.06, and 1717.09 of the Revised Code to require a person to file proof of successful completion of training with the county recorder prior to being appointed as a humane society agent and to require the revocation of an appointment under certain circumstances.

H. B. No. 139-Representative McKenney.

Cosponsors: Representatives Clyde, Schuring, Sykes.

To amend sections 145.01, 145.011, 151.04, 154.01, 185.03, 185.05, 3304.30, 3305.01, 3333.045, 3333.11, 3333.111, 3333.611, 3334.01, 3345.04, 3345.12, 3345.121, 3345.17, 3345.201, 3345.28, 3345.281, 3345.31, 3345.32, 3345.34, 3345.50, 3345.51, 3345.71, 3350.10, 3350.11, 3350.12, 3350.13, and 3350.14 of the Revised Code and Sections 371.10, 371.20.80, and 371.40.90 of Am. Sub. H.B. 1 of the 128th General Assembly and Section 105.45.20 of Sub. H.B. 462 of the 128th General Assembly to rename the Northeastern Ohio Universities Colleges of Medicine and Pharmacy as the Northeast Ohio Medical University and to declare an emergency.

Said bills were considered the first time.

Representative Blessing moved that the House advance to the sixth order of business, being motions and resolutions.

The motion was agreed to.

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. 40-Speaker Batchelder.

Relative to the election of Christina Hagan to fill the vacancy in the membership of the House of Representatives created by the resignation of Todd Snitchler of the 50th 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, Todd Snitchler of the 50th House District has resigned as a member of the House of Representatives of the 129th General Assembly effective February 28, 2011, 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 Christina Hagan, 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 50th House District, is hereby elected, effective March 2, 2011, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the House of Representatives from the 50th House District, to fill the vacancy created by the unexpired portion of the term of said Todd Snitchler, 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 56, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Balderson	Beck	Blair
Blessing	Boose	Brenner	Bubp
Buchy	Burke	Butler	Carey
Coley	Combs	Damschroder	Derickson
Dovilla	Duffey	Gardner	Gonzales
Goodwin	Hackett	Hall	Hayes
Henne	Hollington	Hottinger	Huffman
Johnson	Kozlowski	Landis	Martin
McClain	McGregor	McKenney	Mecklenborg
Newbold	Peterson	Roegner	Rosenberger
Ruhl	Schuring	Sears	Slaby
Sprague	Stautberg	Stebelton	Thompson
Uecker	Wachtmann	Young	Batchelder-56.

The resolution was adopted.

Ms. Hagan was escorted to the bar of the House by Representatives Hall, Sears, J. Adams, Schuring, Clyde, Goyal, Slesnick, and Sykes 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, Christina Hagan, 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/ CHRISTINA HAGAN
Christina Hagan

Sworn to and subscribed before me this 2nd day of March, 2011.

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

Representative Blessing moved that the House revert to the third order of business, being consideration of Senate amendments.

The motion was agreed to.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 58**-Representative Beck, et al., were taken up for consideration.

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.

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

The yeas and nays were taken and resulted - yeas 89, nays 6, as follows:

Those who voted in the affirmative were: Representatives

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
Gardner	Garland	Gentile	Gerberry
Gonzales	Goodwin	Goyal	Hackett
Hagan, C.	Hall	Hayes	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
Reece	Roegner	Rosenberger	Ruhl
Schuring	Sears	Slaby	Slesnick
Sprague	Stautberg	Stebelton	Stinziano

Sykes	Szollosi	Thompson	Uecker
Wachtmann	Winburn	Young	Yuko
			Batchelder-89.

Representatives Adams J., Foley, Hagan, R., Heard, Ramos, and Williams voted in the negative-6.

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

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 93, nays 2, 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	Damschroder	DeGeeter	Derickson
Dovilla	Driehaus	Duffey	Fedor
Fende	Gardner	Garland	Gentile
Gerberry	Gonzales	Goodwin	Goyal
Hackett	Hagan, C.	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
Williams	Winburn	Young	Yuko
			Batchelder-93.

Representatives Foley and Hagan, R. voted in the negative-2.

The Senate amendments were concurred in.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Williams submitted the following report:

The standing committee on Economic and Small Business Development to which was referred **Sub. S. B. No. 2**-Senator Hughes, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

RE: NEW SMALL BUSINESS RULE REVIEW PROCESS

Representative Baker moved to amend the title as follows:

Add the names: "Representatives Baker, Buchy, Anielski, Barnes, Dovilla, Driehaus, Gonzales, Grossman, Henne, Kozlowski, Landis, Newbold, Rosenberger, Thompson."

Representative Thompson moved to amend as follows:

In line 52, after "requires" insert "specific expenditures or"

The motion was agreed to and the bill so amended.

Representative Goyal moved to amend as follows:

In line 71, delete "favorable"

The motion was agreed to and the bill so amended.

NAN BAKER	JIM BUCHY
MARLENE ANIELSKI	JOHN BARNES
PETER BECK	MIKE DOVILLA
DENISE DRIEHAUS	ANNE GONZALES
CHERYL GROSSMAN	MICHAEL HENNE
CASEY KOZLOWSKI	AL LANDIS
CRAIG NEWBOLD	ALICIA REECE
CLIFF ROSENBERGER	STEPHEN SLESNICK
ANDY THOMPSON	

The following members voted "NO"

SANDRA WILLIAMS	TED CELESTE
JAY P. GOYAL	TRACY HEARD
ROLAND WINBURN	

The report was agreed to.

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

Representative Gerberry submitted the following report:

The standing committee on State Government and Elections to which was referred **H. B. No. 66**-Representative McGregor, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: STATE AUDITOR FRAUD REPORTING SYSTEM

Representative Mecklenborg moved to amend as follows:

In line 17, delete "receipt" and insert "completion of the review by the auditor of state"

The motion was agreed to and the bill so amended.

Representative Mecklenborg moved to amend as follows:

Between lines 34 and 35, insert:

" (3) Divisions (B)(1) and (2) of this section are satisfied if a public office provides information about the fraud-reporting system and the means of reporting fraud in the employee handbook or manual for the public office. An employee shall sign and verify the employee's receipt of such a handbook or manual."

The motion was agreed to and the bill so amended.

ROBERT MECKLENBORG	RON GERBERRY
JOHN ADAMS	LOUIS W. BLESSING
JIM BUCHY	TED CELESTE
KATHLEEN CLYDE	COURTNEY COMBS
REX DAMSCHRODER	MIKE DOVILLA
TERESA FEDOR	RANDY GARDNER
CHERYL GROSSMAN	RICHARD HOLLINGTON
MATT HUFFMAN	TOM LETSON
MATT LUNDY	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 Tuesday, March 1, 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 Tuesday, March 1, 2011, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

Am. Sub. S. B. No. 2-Senator Hughes.

Cosponsors: Senators Faber, Beagle, Daniels, Gillmor, Hite, Jones, Jordan, Bacon, Oelslager, Patton, Schaffer, Seitz, Stewart, Wagoner, Widener, Wilson, LaRose, Cates, Manning, Obhof. Representatives Baker, Buchy,

Anielski, Barnes, Dovilla, Driehaus, Gonzales, Grossman, Henne, Kozlowski, Landis, Newbold, Rosenberger, Thompson.

To amend sections 103.0511, 111.15, 117.20, 119.03, 119.032, 121.39, 122.08, 122.081, 122.94, and 1710.02; to enact sections 107.51, 107.52, 107.53, 107.54, 107.55, 107.61, 107.62, 107.63, 121.81, 121.82, 121.83, and 121.91; and to repeal section 121.24 of the Revised Code to adopt a new business rule review procedure, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Goyal moved to amend as follows:

In line 688, delete " demonstrate"

In line 689, delete " through the" and insert " file a properly completed"; after the underlined comma insert " any"; after " recommendations" insert " the agency received"

In line 690, after " and" insert " , if applicable,"; delete the second " the"

In line 691, delete " agency has filed" and insert " as required"; delete " that the" and insert an underlined period

Delete lines 692 and 693

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

The yeas and nays were taken and resulted - yeas 39, nays 56, 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, R.	Heard	Johnson	Letson
Luckie	Lundy	Mallory	Milkovich
Murray	O'Brien	Okey	Patmon
Phillips	Pillich	Ramos	Reece
Slesnick	Stinziano	Sykes	Szollosi
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	Damschroder	Derickson
Dovilla	Duffey	Gardner	Gonzales
Goodwin	Hackett	Hagan, C.	Hall
Hayes	Henne	Hollington	Hottinger
Huffman	Kozlowski	Landis	Martin
McClain	McGregor	McKenney	Mecklenborg
Newbold	Peterson	Roegner	Rosenberger

Ruhl	Schuring	Sears	Slaby
Sprague	Stautberg	Stebelton	Thompson
Uecker	Wachtmann	Young	Batchelder-56.

The motion to amend was not agreed to.

The question recurring, "Shall the bill pass?"

Representative Murray moved to amend as follows:

In line 687, delete the underlined semicolon and insert a period

Delete lines 688 through 693

In line 957, reinsert "either"; delete "any"; reinsert "applies"; delete "apply"

Delete lines 968 through 971

In line 1206, delete "(A)"

Delete lines 1213 through 1224

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

The yeas and nays were taken and resulted - yeas 38, nays 57, 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, R.	Heard	Letson	Luckie
Lundy	Mallory	Milkovich	Murray
O'Brien	Okey	Patmon	Phillips
Pillich	Ramos	Reece	Slesnick
Stinziano	Sykes	Szollosi	Williams
Winburn			Yuko-38.

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	Damschroder	Derickson
Dovilla	Duffey	Gardner	Gonzales
Goodwin	Hackett	Hagan, C.	Hall
Hayes	Henne	Hollington	Hottinger
Huffman	Johnson	Kozlowski	Landis
Martin	McClain	McGregor	McKenney
Mecklenborg	Newbold	Peterson	Roegner
Rosenberger	Ruhl	Schuring	Sears
Slaby	Sprague	Stautberg	Stebelton
Thompson	Uecker	Wachtmann	Young
			Batchelder-57.

The motion to amend was not agreed to.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 81, nays 14, 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
Burke	Butler	Carey	Carney
Clyde	Coley	Combs	Damschroder
DeGeeter	Derickson	Dovilla	Driehaus
Duffey	Fende	Gardner	Garland
Gentile	Gerberry	Gonzales	Goodwin
Hackett	Hagan, C.	Hall	Hayes
Henne	Hollington	Hottinger	Huffman
Johnson	Kozlowski	Landis	Lundy
Mallory	Martin	McClain	McGregor
McKenney	Mecklenborg	Milkovich	Murray
Newbold	O'Brien	Okey	Patmon
Peterson	Pillich	Reece	Roegner
Rosenberger	Ruhl	Schuring	Sears
Slaby	Slesnick	Sprague	Stautberg
Stebelton	Stinziano	Sykes	Szollosi
Thompson	Uecker	Wachtmann	Young
			Batchelder-81.

Those who voted in the negative were: Representatives

Budish	Celeste	Fedor	Foley
Goyal	Hagan, R.	Heard	Letson
Luckie	Phillips	Ramos	Williams
Winburn			Yuko-14.

The bill passed.

Representative Roegner moved to amend the title as follows:

Add the names: "Adams, R., Balderson, Blair, Blessing, Boose, Brenner, Bubp, Butler, Carey, Coley, Combs, Derickson, Duffey, Gardner, Garland, Goodwin, Hackett, Hagan, C., Hall, Hayes, Hottinger, Huffman, Johnson, Lundy, Martin, McClain, McGregor, Mecklenborg, Milkovich, O'Brien, Peterson, Pillich, Roegner, Ruhl, Schuring, Sears, Slaby, Stautberg, Szollosi, Uecker, Wachtmann, 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 adoption of the following concurrent resolution:

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.

Attest:

Vincent L. Keeran,
Clerk.

On motion of Representative Blessing, the House adjourned until Thursday, March 3, 2011 at 8:45 a.m.

Attest:

LAURA P. CLEMENS,
Clerk.