

OHIO

House

of

Representatives

JOURNAL

CORRECTED VERSION
WEDNESDAY, MARCH 9, 2011

TWENTY-FOURTH DAY

Hall of the House of Representatives, Columbus, Ohio
Wednesday, March 9, 2011, 1:30 p.m.

The House met pursuant to adjournment.

Prayer was offered by Reverend Thomas Wise of the Valleyview Church in Englewood, 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:

Eric D. Fingerhut received House Resolution 43, presented by Speaker Batchelder-69th district and Representative Budish-8th district.

The Bishop Hartley High School football team received House Resolution 444, 128th General Assembly, presented by Representative Heard-26th district.

Janet Folger and Lory Byers, guests of Speaker Batchelder-69th district.

Sgt. Billy Thomas, Pfc. Mitchell Williams, and LCpl. Brett Barrowman, guests of Representatives Grossman-23rd district, Bulp-88th district.

The Mazanak and Allen families, guests of Representative McKenney-43rd district.

Montrella Jackson, a guest of Representative Sykes-44th district.

Marie Economus, Genevieve Germaniuk, and Megan Jackson, guests of Representative Letson-64th district.

Linda Theis, a guest of Representative Sprague-76th district.

Kimmy Rogers and Dr. Larry Best, guests of Representative Bulp-88th district.

Courtney Rose, Frank Thompson, and Barbara Howard, guests of Representative Johnson-89th district.

Joshua Drusbacky, a guest of Representative Hall-97th district.

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

Representative Winburn submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 20**-Representatives Burke, Letson, et al., having had the same under consideration, reports it back and recommends its passage.

RE: EXPAND SCOPE OF CRIMINAL INTIMIDATION

Representative Slaby moved to amend the title as follows:

Add the names: "Winburn, Garland, Bubp, Blessing, Hayes, Slaby."

| | |
|-----------------|---------------------|
| LYNN SLABY | BILL HAYES |
| ROLAND WINBURN | LOUIS W. BLESSING |
| DANNY R. BUBP | NANCY GARLAND |
| CONNIE PILLICH | ROBERT COLE SPRAGUE |
| SANDRA WILLIAMS | RON YOUNG |

The report was agreed to.

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

Representative Goyal submitted the following report:

The standing committee on Financial Institutions, Housing and Urban Development to which was referred **H. B. No. 48**-Representatives Mecklenborg, Carney, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CORPORATION LAW REVISE

Representative Coley moved to amend the title as follows:

Add the names: "Coley, Adams, R., Brenner, Duffey."

| | |
|----------------|-----------------|
| MIKE DUFFEY | MICHAEL HENNE |
| RICHARD ADAMS | PETER STAUTBERG |
| TERRY BLAIR | ANDREW BRENNER |
| ROBERT HACKETT | ZACK MILKOVICH |
| BILL COLEY | MIKE ASHFORD |

The following members voted "NO"

| | |
|-------------|----------------|
| MIKE FOLEY | CONNIE PILLICH |
| LOU GENTILE | JAY P. GOYAL |

The report was agreed to.

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

Representative Winburn submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 64**-Representatives Ruhl, Burke, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SCHEDULE I CONTROLLED SUBSTANCES SUBSTANCES

Representative Slaby moved to amend the title as follows:

Add the names: "Winburn, Garland, Hayes, Bulp, Slaby."

| | |
|-----------------|---------------------|
| LYNN SLABY | BILL HAYES |
| ROLAND WINBURN | LOUIS W. BLESSING |
| DANNY R. BULP | NANCY GARLAND |
| CONNIE PILLICH | ROBERT COLE SPRAGUE |
| SANDRA WILLIAMS | RON YOUNG |

The report was agreed to.

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

Representative Mallory submitted the following report:

The standing committee on Transportation, Public Safety and Homeland Security to which was referred **H. B. No. 73**-Representative Young, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: HIGHWAY TRANSPORT OF NUCLEAR MATERIAL

Representative Combs moved to amend the title as follows:

Add the names: "Combs, Johnson, Mallory, McClain, Ruhl."

| | |
|-------------------|---------------------|
| COURTNEY COMBS | REX DAMSCHRODER |
| DALE MALLORY | TIMOTHY J. DEGEETER |
| ROBERT F. HAGAN | TERRY JOHNSON |
| JEFFREY MCCLAIN | ROSS MCGREGOR |
| SEAN O'BRIEN | BILL PATMON |
| CLIFF ROSENBERGER | MARGARET RUHL |
| JOSEPH W. UECKER | |

The report was agreed to.

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

Representative Fende submitted the following report:

The standing committee on Health and Aging to which was referred **H. B. No. 79**-Representatives Bulp, Uecker, et al., having had the same under consideration, reports it back and recommends its passage.

RE: QUALIFIED HEALTH PLANS PROHIBIT FROM COVERING CERTAIN ABORTIONS

Representative Wachtmann moved to amend the title as follows:

Add the names: "Goodwin, Burke, Johnson, Sears."

LYNN R. WACHTMANN
TROY BALDERSON
RANDY GARDNER
ROBERT HACKETT
TERRY JOHNSON
KIRK SCHURING

BRUCE W. GOODWIN
DAVE BURKE
ANNE GONZALES
JAY HOTTINGER
TODD MCKENNEY
BARBARA R. SEARS

The following members voted "NO"

LORRAINE M. FENDE
JOHN BARNES
MIKE DUFFEY
ROBERT F. HAGAN
DAN RAMOS

NICKIE ANTONIO
JOHN PATRICK CARNEY
NANCY GARLAND
RICHARD HOLLINGTON
KENNY YUKO

The report was agreed to.

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

Representative Ashford submitted the following report:

The standing committee on Finance and Appropriations to which was referred **H. B. No. 114**-Representative McGregor, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: TRANSPORTATION AND PUBLIC SAFETY
APPROPRIATIONS

Representative Amstutz moved to amend the title as follows:

Add the names: "Amstutz, Carey."

RON AMSTUTZ
VERNON SYKES
MARLENE ANIELSKI
TROY BALDERSON
DAVE BURKE
KATHLEEN CLYDE
MIKE DUFFEY
NANCY GARLAND
CHERYL GROSSMAN
RICHARD HOLLINGTON
JEFFREY MCCLAIN
ROBERT MECKLENBORG
DEBBIE PHILLIPS
BARBARA R. SEARS
STEPHEN SLESNICK

JOHN CAREY
RICHARD ADAMS
MIKE ASHFORD
PETER BECK
JOHN PATRICK CARNEY
DENISE DRIEHAUS
RANDY GARDNER
JAY P. GOYAL
DAVE HALL
MATT LUNDY
ROSS MCGREGOR
BOB PETERSON
ALICIA REECE
LYNN SLABY
GERALD L. STEBELTON

The report was agreed to.

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

Representative Carney submitted the following report:

The standing committee on Insurance to which was referred **H. B. No. 122**-Representative Hottinger, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SURPLUS LINES INSURANCE REGULATION

JAY HOTTINGER
JOHN PATRICK CARNEY
MIKE ASHFORD
COURTNEY COMBS
LORRAINE M. FENDE
TRACY HEARD
TOM LETSON
ROSS MCGREGOR
KIRK SCHURING
ROBERT COLE SPRAGUE
LYNN R. WACHTMANN

ROBERT HACKETT
JOHN ADAMS
DAVE BURKE
TIMOTHY DERICKSON
MIKE FOLEY
MICHAEL HENNE
CLAYTON LUCKIE
BOB PETERSON
BARBARA R. SEARS
MICHAEL STINZIANO

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 **Sub. S. B. No. 4**-Senator Schaffer, et al., having had the same under consideration, reports it back as a substitute bill recommends its re-referral to the committee on Rules and Reference.

RE: PERFORMANCE AUDITING OF STATE AGENCIES

ROBERT MECKLENBORG
JOHN ADAMS
JIM BUCHY
KATHLEEN CLYDE
REX DAMSCHRODER
TERESA FEDOR
CHERYL GROSSMAN
MATT HUFFMAN
MATT LUNDY
ROBERT COLE SPRAGUE
VERNON SYKES

RON GERBERRY
LOUIS W. BLESSING
TED CELESTE
COURTNEY COMBS
MIKE DOVILLA
RANDY GARDNER
RICHARD HOLLINGTON
TOM LETSON
BILL PATMON
MICHAEL STINZIANO
RON YOUNG

The report was agreed to.

The bill was ordered to be engrossed and rereferred to the committee on Rules and Reference.

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. 137 - Representatives Phillips and Driehaus, et al

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.

To the committee on Commerce and Labor

H.B. No. 138 - Representative Gerberry, et al

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.

To the committee on Local Government

H.B. No. 139 - Representative McKenney, et al

TO RENAME THE NORTHEASTERN OHIO UNIVERSITIES COLLEGES OF MEDICINE AND PHARMACY AS THE NORTHEAST OHIO MEDICAL UNIVERSITY AND TO DECLARE AN EMERGENCY.

To the committee on Education

H.B. No. 140 - Representative R. Hagan, et al

TO REQUIRE THE PRESIDENT AND MINORITY LEADER OF THE SENATE AND THE SPEAKER AND MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES TO DETERMINE THE HOURS OF OPERATION FOR THE OHIO STATEHOUSE AND TO ESTABLISH POLICIES FOR THE MANAGEMENT OF, AND ACCESS TO, THE BUILDING.

To the committee on State Government and Elections

LOUIS W. BLESSING

ANDREW BRENNER

ANNE GONZALES

ARMOND BUDISH

JOHN ADAMS

DAVE BURKE

CHERYL GROSSMAN

MATT SZOLLOSI

Representative Blessing 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 Resolution be read by title only and approved:

H.R. No. 44 – Representatives Adams R., Adams J., Buchy
Honoring Dr. Kenneth A. Yowell on his retirement.

/s/ LOUIS BLESSING
Louis Blessing, Chair

Representative Blessing 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.

BILLS FOR THIRD CONSIDERATION

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

To amend sections 3901.17, 3905.30, 3905.31, 3905.33, 3905.34, 3905.36, 3905.37, and 3905.38 and to enact section 3905.331 of the Revised Code 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, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Blessing moved that **Sub. H. B. No. 122**-Representative Hottinger, be informally passed and retain its place on the calendar.

The motion was agreed to.

Sub. H. B. No. 36-Representatives Kozlowski, Carey.
Cosponsors: Representatives Boose, Burke, Dovilla, Grossman, Hayes, Johnson, McKenney, Roegner, Rosenberger, Ruhl, Slaby, Stautberg, Stebelton, Thompson, Young, Combs, Balderson, Gonzales, Martin, Baker, Hottinger, Derickson.

To amend sections 3313.482, 3314.08, and 3317.01 of the Revised Code to excuse up to five, instead of three, calamity days for the 2010-2011 school year, to broaden schools' authority to make up calamity days by lengthening remaining days in the school year, to waive the number of hours a community

school is closed for a public calamity if it meets certain requirements, 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. 36**-Representatives Kozlowski, Carey, et al., be informally passed and retain its place on the calendar.

The motion was agreed to.

Sub. H. B. No. 93-Representatives Burke, Johnson.

Cosponsors: Speaker Batchelder, Representatives Bubp, Adams, J., Boose, Grossman, Hackett, Hottinger, Huffman, Peterson, Pillich, Rosenberger, Ruhl, Uecker, Balderson, Gardner, McKenney, Gonzales, Goodwin, Hagan, R., Garland, Fende, Sears, Schuring, Wachtmann, Barnes, Duffey, Antonio.

To amend sections 3719.08, 4715.30, 4729.01, 4729.071, 4729.29, 4729.51, 4729.54, 4729.541, 4729.55, 4729.75, 4729.77, 4729.78, 4729.79, 4729.80, 4729.81, 4729.82, 4729.83, 4729.99, 4731.052, 4731.22, 4731.283, 4776.02, 4776.04, and 5111.172; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4729.79 (4729.80), 4729.80 (4729.81), 4729.81 (4729.82), 4729.82 (4729.83), 4729.83 (4729.84), and 4729.84 (4729.85); and to enact new section 4729.79 and sections 109.90, 313.212, 3719.031, 3793.22, 4121.50, 4715.302, 4723.487, 4725.092, 4729.162, 4729.291, 4729.552, 4729.571, 4729.69, 4729.86, 4730.53, 4731.054, 4731.055, 4731.241, 5111.085, 5111.179, and 5111.1710 of the Revised Code to establish and modify laws regarding the prevention of prescription drug abuse 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 92, nays 5, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|-----------|-----------|-----------|------------|
| 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, C. | Hagan, R. | Hall |
| Hayes | Heard | Henne | Hollington |
| Hottinger | Huffman | Johnson | Kozlowski |
| Landis | Letson | Luckie | Lundy |
| Mallory | McClain | McGregor | McKenney |

| | | | |
|-------------|-----------|------------|----------------|
| Mecklenborg | Milkovich | Murray | Newbold |
| O'Brien | Okey | Patmon | Peterson |
| Phillips | Ramos | Reece | Rosenberger |
| Ruhl | Schuring | Sears | Slaby |
| Slesnick | Sprague | Stautberg | Stebelton |
| Stinziano | Sykes | Szollosi | Thompson |
| Uecker | Wachtmann | Weddington | Williams |
| Winburn | Young | Yuko | Batchelder-92. |

Representatives Adams J., Damschroder, Martin, Pillich, and Roegner voted in the negative-5.

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 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 | Damschroder | DeGeeter | Derickson |
| Dovilla | Driehaus | Duffey | Fedor |
| Fende | Foley | Gardner | Garland |
| Gentile | Gerberry | Gonzales | Goodwin |
| Goyal | Grossman | Hackett | Hagan, C. |
| Hagan, R. | 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-97. |

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

Representative Burke moved to amend the title as follows:

Add the names: "Adams, R., Amstutz, Anielski, Ashford, Baker, Beck, Blair, Blessing, Brenner, Buchy, Budish, Butler, Carey, Carney, Celeste,

Clyde, Coley, Combs, Damschroder, DeGeeter, Derickson, Dovilla, Driehaus, Fedor, Foley, Gerberry, Goyal, Hagan, C., Hall, Hayes, Heard, Henne, Kozlowski, Landis, Letson, Luckie, Lundy, Mallory, Martin, McClain, McGregor, Mecklenborg, Milkovich, Murray, Newbold, O'Brien, Patmon, Phillips, Ramos, Reece, Roegner, Slaby, Slesnick, Sprague, Stautberg, Stebelton, Stinziano, Szollosi, Thompson, Weddington, Williams, Winburn, Young, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

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

To amend sections 3901.17, 3905.30, 3905.31, 3905.33, 3905.34, 3905.36, 3905.37, and 3905.38 and to enact section 3905.331 of the Revised Code 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, was taken up for consideration the third time.

The question being, "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 | Damschroder | DeGeeter | Derickson |
| Dovilla | Driehaus | Duffey | Fedor |
| Fende | Foley | Gardner | Garland |
| Gentile | Gerberry | Gonzales | Goodwin |
| Goyal | Grossman | Hackett | Hagan, C. |
| Hagan, R. | 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-97. |

The bill passed.

Representative Hottinger moved to amend the title as follows:

Add the names: "Antonio, Baker, Beck, Brenner, Bubp, Carey, Carney, Coley, Combs, Derickson, Fende, Garland, Goyal, Hackett, Hagan, C., Hall, Heard, Letson, Luckie, Mallory, McClain, Mecklenborg, Milkovich, Newbold, Rosenberger, Sears, Stinziano, Young, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 36-Representatives Kozlowski, Carey.

Cosponsors: Representatives Boose, Burke, Dovilla, Grossman, Hayes, Johnson, McKenney, Roegner, Rosenberger, Ruhl, Slaby, Stautberg, Stebelton, Thompson, Young, Combs, Balderson, Gonzales, Martin, Baker, Hottinger, Derickson.

To amend sections 3313.482, 3314.08, and 3317.01 of the Revised Code to excuse up to five, instead of three, calamity days for the 2010-2011 school year, to broaden schools' authority to make up calamity days by lengthening remaining days in the school year, to waive the number of hours a community school is closed for a public calamity if it meets certain requirements, 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 85, nays 12, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|------------|-----------|-------------|----------------|
| Adams R. | 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 | Foley | Gardner |
| Garland | Gentile | Gonzales | Goodwin |
| Grossman | Hackett | Hagan, C. | Hagan, R. |
| Hall | Hayes | Heard | Henne |
| Hollington | Hottinger | Huffman | Johnson |
| Kozlowski | Landis | Luckie | Lundy |
| Mallory | McClain | McKenney | Mecklenborg |
| Milkovich | Murray | Newbold | O'Brien |
| Okey | Patmon | Peterson | Phillips |
| Reece | Roegner | Rosenberger | Ruhl |
| Schuring | Sears | Slaby | Slesnick |
| Sprague | Stautberg | Stebelton | Stinziano |
| Sykes | Szollosi | Thompson | Uecker |
| Williams | Winburn | Young | Yuko |
| | | | Batchelder-85. |

Those who voted in the negative were: Representatives

| | | | |
|----------|---------|-----------|----------------|
| Adams J. | Amstutz | Anielski | Gerberry |
| Goyal | Letson | Martin | McGregor |
| Pillich | Ramos | Wachtmann | Weddington-12. |

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?"

Representative Luckie moved to amend as follows:

In line 10, delete "of"

In line 11, delete "the Revised Code"; after "amended" insert "and section 3314.102 of the Revised Code be enacted"

Between lines 705 and 706, insert:

" Sec. 3314.102. All teachers and nonteaching employees employed by a community school established under this chapter shall be paid, at their respective regular per diem rates, for all time lost when the school is closed due to an epidemic or other public calamity."

In line 1 of the title, after "3317.01" insert "and to enact section 3314.102"

In line 8 of the title, after the comma insert "to require community schools to pay their employees for calamity days,"

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

The yeas and nays were taken and resulted - yeas 37, nays 60, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|----------|------------|-----------|-----------|
| Anielski | Antonio | Ashford | Budish |
| Celeste | Clyde | DeGeeter | Driehaus |
| Fedor | Fende | Foley | Garland |
| Gentile | Gerberry | Goyal | Hagan, R. |
| Heard | Letson | Luckie | Lundy |
| Mallory | Milkovich | Murray | O'Brien |
| Okey | Phillips | Pillich | Ramos |
| Reece | Slesnick | Stinziano | Sykes |
| Szollosi | Weddington | Williams | Winburn |
| | | | Yuko-37. |

Those who voted in the negative were: Representatives

| | | | |
|-----------|----------|---------|-------------|
| Adams J. | Adams R. | Amstutz | Baker |
| Balderson | Barnes | Beck | Blair |
| Blessing | Boose | Brenner | Bubp |
| Buchy | Burke | Butler | Carey |
| Carney | Coley | Combs | Damschroder |
| Derickson | Dovilla | Duffey | Gardner |

| | | | |
|------------|-----------|-------------|----------------|
| Gonzales | Goodwin | Grossman | Hackett |
| Hagan, C. | Hall | Hayes | Henne |
| Hollington | Hottinger | Huffman | Johnson |
| Kozlowski | Landis | Martin | McClain |
| McGregor | McKenney | Mecklenborg | Newbold |
| Patmon | Peterson | Roegner | Rosenberger |
| Ruhl | Schuring | Sears | Slaby |
| Sprague | Stautberg | Stebelton | Thompson |
| Uecker | Wachtmann | Young | Batchelder-60. |

The motion to amend was not agreed to.

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

The yeas and nays were taken and resulted - yeas 92, nays 5, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|-------------|-------------|------------|----------------|
| 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 |
| Foley | Gardner | Garland | Gentile |
| Gerberry | Gonzales | Goodwin | Grossman |
| Hackett | Hagan, C. | Hagan, R. | Hall |
| Hayes | Heard | Henne | Hollington |
| Hottinger | Huffman | Johnson | Kozlowski |
| Landis | Letson | 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 | Stautberg |
| Stebelton | Stinziano | Sykes | Szollosi |
| Thompson | Uecker | Weddington | Williams |
| Winburn | Young | Yuko | Batchelder-92. |

Representatives Adams J., Goyal, Luckie, Sprague, and Wachtmann voted in the negative-5.

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

Representative Kozlowski moved to amend the title as follows:

Add the names: "Anielski, Ashford, Barnes, Beck, Blessing, Bubp, Buchy, Coley, Duffey, Fedor, Hagan, C., Landis, Milkovich, Newbold, O'Brien, Schuring, Uecker, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Clerk's Notation

House Speaker Bill Batchelder
77 S. High Street, 14th floor
Columbus, Ohio 43215

March 9, 2011

Dear Speaker Batchelder,

I respectfully protest to what happened in session today March 9, 2011. I took great offense to a guest being recognized and then granted permission to, using his word, "lobby" from the Speaker's dais. It is particularly troubling that he lobbied specific bills currently being heard in the House of Representatives and that these bills are politically divisive.

No matter where you stand on the issue, there is a time and there is a place for debate in the People's House. We should firmly respect the long-standing tradition of this great chamber.

Thank you,

/s/ TERESA FEDOR
Representative Teresa Fedor
District 47

On motion of Representative Blessing, the House adjourned until Thursday, March 10, 2011 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.