OHIO House of Representatives JOURNAL

TUESDAY, MARCH 22, 2011

TWENTY-NINTH DAY Hall of the House of Representatives, Columbus, Ohio

Tuesday, March 22, 2011, 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Tony Garren of the Fayette Bible Church in Washington Courthouse, Ohio, followed by the Pledge of Allegiance to the Flag.

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

The following guests of the House of Representatives were recognized by Speaker Batchelder prior to the commencement of business:

Sheryl Huffman, wife of Representative Huffman-4th district.

Mark Dangler, Bruce Johnson, and Mary Caprella, guests of Representative Szollosi-49th district.

Seventh and eighth grade students from St. Anthony Catholic School, guests of Representative Wachtmann-75th district.

AE Christian School, guests of Representative Peterson-85th district.

Board members and students from North Central State, guests of Representatives McClain-82nd district, Goyal-73rd district, and Ruhl-90th district.

James Blend and students from Southern State Community College, guests of Representatives Bubp-88th district, Johnson-89th district, Peterson-85th district, Rosenberger-86th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 165-Representatives Goodwin, Lundy.

To amend section 2915.01 and 2915.09 of the Revised Code to exclude property taxes and assessments from the calculation of net profit from the proceeds of the sale of instant bingo for veterans, fraternal, and sporting organizations and to clarify that no charitable organization is required to pay property taxes on a premises leased from another person to conduct bingo.

H. B. No. 166-Representative Phillips.

Cosponsors: Representatives Murray, Carey, Garland, Clyde.

To amend sections 4765.30 and 4765.55 of the Revised Code to require the State Board of Emergency Medical Services to notify EMS and firefighter personnel in writing when their certifications are due for renewal.

H. B. No. 167-Representatives Derickson, Mallory.

Cosponsors: Representatives Grossman, Thompson, Blessing, Combs, Boose, Hall, McGregor, McClain, Beck, Damschroder, Pillich, Clyde, Reece, Yuko, Fedor, Antonio, Weddington, Szollosi, Garland, Letson.

To amend section 5747.01 of the Revised Code to authorize an income tax deduction for the otherwise taxable portion of a federal Pell grant or Ohio College Opportunity grant used to pay room and board for a post-secondary student.

H. B. No. 168-Representative Carey.

Cosponsors: Representatives Derickson, Grossman, Antonio, Combs, Ashford, Balderson, Stebelton, Letson, Murray.

To amend sections 3333.38 and 3345.32 and to enact section 3333.46 of the Revised Code to establish the Career Training Workforce Development Grant Program and to allocate a portion of casino license fees to finance the program.

H. B. No. 169-Representative Williams.

Cosponsors: Representatives Letson, Barnes, Ramos, Hagan, R.

To amend sections 3923.233, 3923.301, 4701.16, 4703.15, 4707.02, 4707.15, 4709.13, 4712.03, 4715.30, 4717.14, 4719.03, 4723.07, 4723.28, 4723.34, 4725.19, 4725.53, 4727.15, 4728.13, 4729.16, 4729.53, 4729.56, 4730.25, 4731.22, 4731.224, 4731.225, 4731.226, 4731.25, 4731.72, 4732.17, 4733.20, 4734.31, 4734.39, 4735.07, 4735.09, 4735.13, 4735.18, 4735.27, 4735.28, 4738.04, 4738.07, 4738.12, 4738.18, 4740.06, 4740.10, 4741.22, 4747.12, 4749.03, 4749.04, 4749.06, 4751.10, 4753.10, 4755.11, 4755.47, 4755.64, 4757.36, 4758.30, 4759.07, 4760.13, 4761.09, 4762.13, 4763.11, 4765.18, 4765.301, 4774.13, 4779.28, and 4781.09 and to enact section 4743.07 of the Revised Code to revise the laws governing issuance of certain professional licenses.

H. B. No. 170-Representative Mecklenborg.

Cosponsors: Representatives Blessing, Adams, J., Combs, Dovilla, Hackett, Stautberg, McGregor, Brenner, Slaby, Thompson, Hollington, Derickson, Buchy, McKenney, Bubp.

To amend section 2305.06 of the Revised Code to shorten the period of limitations for actions upon a contract in writing.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Ashford submitted the following report:

The standing committee on Finance and Appropriations to which was referred **Sub. S. B. No. 4**-Senator Schaffer, et al., having had the same under consideration, reports it back and recommends its passage.

RE: PERFORMANCE AUDITING OF STATE AGENCIES

Representative Amstutz moved to amend the title as follows:

Add the names: "Representatives Amstutz, Carey, Gardner, Sears, Balderson."

RON AMSTUTZ
VERNON SYKES
MARLENE ANIELSKI
TROY BALDERSON
JOHN CAREY
RICHARD ADAMS
MIKE ASHFORD
PETER BECK

DAVE BURKE

KATHLEEN CLYDE

MIKE DUFFEY

NANCY GARLAND

CHERYL GROSSMAN

RICHARD HOLLINGTON

RON MAAG

JOHN PATRICK CARNEY

DENISE DRIEHAUS

RANDY GARDNER

JAY P. GOYAL

DAVE HALL

MATT LUNDY

JEFFREY MCCLAIN

ROSS MCGREGOR ROBERT MECKLENBORG

DEBBIE PHILLIPS ALICIA REECE BARBARA R. SEARS LYNN SLABY

STEPHEN SLESNICK GERALD L. STEBELTON

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. 123**-Representative Hottinger, et al., having had the same under consideration, reports it back and recommends its passage.

RE: WORKERS' COMPENSATION APPROPRIATIONS

Representative Amstutz moved to amend the title as follows:

Add the names: "Amstutz, Sears."

RON AMSTUTZ
VERNON SYKES
MARLENE ANIELSKI
TROY BALDERSON

JOHN CAREY
RICHARD ADAMS
MIKE ASHFORD
PETER BECK

DAVE BURKE

KATHLEEN CLYDE

MIKE DUFFEY

NANCY GARLAND

CHERYL GROSSMAN

RICHARD HOLLINGTON

RON MAAG

JOHN PATRICK CARNEY

DENISE DRIEHAUS

RANDY GARDNER

DAY P. GOYAL

MATT LUNDY

MATT LUNDY

ROSS MCGREGOR ROBERT MECKLENBORG

DEBBIE PHILLIPS ALICIA REECE BARBARA R. SEARS LYNN SLABY

STEPHEN SLESNICK GERALD L. STEBELTON

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. 124**-Representative Hottinger, et al., having had the same under consideration, reports it back and recommends its passage.

RE: INDUSTRIAL COMMISSION APPROPRIATIONS

Representative Amstutz moved to amend the title as follows:

Add the name: "Amstutz."

RON AMSTUTZ JOHN CAREY **VERNON SYKES** RICHARD ADAMS MARLENE ANIELSKI TROY BALDERSON PETER BECK DAVE BURKE JOHN PATRICK CARNEY KATHLEEN CLYDE **DENISE DRIEHAUS** MIKE DUFFEY RANDY GARDNER NANCY GARLAND JAY P. GOYAL CHERYL GROSSMAN DAVE HALL MATT LUNDY **RON MAAG** JEFFREY MCCLAIN

ROSS MCGREGOR ROBERT MECKLENBORG

DEBBIE PHILLIPS ALICIA REECE BARBARA R. SEARS LYNN SLABY

GERALD L. STEBELTON

The report was agreed to.

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

BILLS FOR THIRD CONSIDERATION

Am. H. B. No. 66-Representative McGregor.

Cosponsors: Representatives Beck, Adams, J., Brenner, Ruhl, Huffman, Derickson, Blessing, Dovilla, Kozlowski, Grossman, Amstutz, Combs, Stebelton, Hackett, Hottinger, Hollington, Pillich, Blair, Maag.

To amend section 124.341 and to enact section 117.103 of the Revised Code to require the Auditor of State to establish a fraud-reporting system for residents and public employees to file anonymous complaints of fraud and misuse of public funds by public offices or officials, 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	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	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	Sprague	Stautberg
Stebelton	Stinziano	Sykes	Szollosi
Thompson	Uecker	Wachtmann	Weddington
Williams	Winburn	Young	Yuko
			Batchelder-97.

The bill passed.

Representative McGregor moved to amend the title as follows:

Add the names: "Adams, R., Anielski, Antonio, Baker, Barnes, Boose, Bubp, Buchy, Butler, Carney, Celeste, Clyde, Coley, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gonzales, Goodwin, Goyal, Hagan, C., Hall, Hayes,

Henne, Johnson, Letson, Luckie, Lundy, Martin, McClain, McKenney, Mecklenborg, Milkovich, Murray, Newbold, O'Brien, Patmon, Peterson, Phillips, Ramos, Roegner, Schuring, Sears, Slaby, Sprague, Sykes, Szollosi, Thompson, Uecker, Wachtmann, Weddington, Young, Yuko, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 21-Representative Combs.

Cosponsors: Representatives Roegner, Newbold, Stebelton.

To amend sections 3319.22 and 3319.223 and to enact section 3319.227 of the Revised Code to qualify Teach for America participants for a resident educator license, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Ramos moved to amend as follows:

Between lines 304 and 305, insert:

" (D) In order to place teachers in this state, the teach for America program shall enter into agreements with one or more accredited four-year public or private institutions of higher education in the state to provide on-going training and education of teach for America participants and to qualify those participants for master's degrees in education upon completion of the program."

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

Ashford	Barnes	Budish
Celeste	Clyde	DeGeeter
Fedor	Fende	Foley
Gentile	Gerberry	Goyal
Heard	Letson	Luckie
Mallory	Milkovich	Murray
Okey	Patmon	Phillips
Ramos	Reece	Slesnick
Sykes	Szollosi	Weddington
Winburn		Yuko-39.
	Celeste Fedor Gentile Heard Mallory Okey Ramos Sykes	Celeste Clyde Fedor Fende Gentile Gerberry Heard Letson Mallory Milkovich Okey Patmon Ramos Reece Sykes Szollosi

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	Hagan, C.	Hall

Henne Hayes Hollington Hottinger Huffman Kozlowski Landis Johnson Maag Martin McClain McGregor McKenney Mecklenborg Newbold Peterson Roegner Rosenberger Ruhl Schuring Sears Slaby Sprague Stautberg Stebelton Thompson Uecker Wachtmann Batchelder-58. Young

The motion to amend was not agreed to.

The question recurring, "Shall the bill pass?"

Representative Luckie moved to amend as follows:

Between lines 294 and 295, insert:

"Each teach for America participant licensed under this section shall comply with section 3319.24 of the Revised Code and shall not teach grades kindergarten through six without completing the coursework in the teaching of reading and phonics as required by that section."

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

The yeas and nays were taken and resulted - yeas 37, nays 59, as follows:

Those who voted in the affirmative were: Representatives

Antonio	Ashford	Barnes	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	Weddington	Williams
-		· ·	Yuko-37.

Those who voted in the negative were: Representatives

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

Stebelton Thompson Uecker Wachtmann Winburn Young Batchelder-59.

The motion to amend was not agreed to.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 65, nays 32, as follows:

Those who voted in the affirmative were: Representatives

Adams J. Adams R. Amstutz Anielski Baker Balderson Barnes Beck Blair Blessing Boose Brenner Bubp Buchy Budish Burke Butler Carey Celeste Coley Combs Derickson Dovilla Duffey Goodwin Gardner Gonzales Grossman Hackett Hall Hagan, C. Hayes Hollington Hottinger Huffman Henne Landis Johnson Kozlowski Maag McClain McGregor McKenney Martin Mecklenborg Newbold Patmon Peterson Roegner Rosenberger Ruhl Pillich Schuring Sears Slaby Sprague Stautberg Stebelton Sykes Szollosi Thompson Uecker Wachtmann Young Batchelder-65.

Those who voted in the negative were: Representatives

Clyde Antonio Ashford Carney Driehaus Fedor Fende DeGeeter Foley Garland Gentile Gerberry Goyal Hagan, R. Heard Letson Luckie Lundy Mallory Milkovich O'Brien Phillips Murray Okey Reece Slesnick Stinziano Ramos Weddington Williams Winburn Yuko-32.

The bill passed.

Representative Combs moved to amend the title as follows:

Add the names: "Amstutz, Anielski, Baker, Beck, Blair, Boose, Brenner, Bubp, Buchy, Butler, Coley, Derickson, Dovilla, Grossman, Hackett, Hagan, C., Hayes, Henne, Hollington, Huffman, Martin, McClain, Sears, Stautberg, Uecker, 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 House Rules 13, 28, and 30, the Speaker hereby makes changes to the following committees:

Finance and Appropriations: remove Representative Boyd; appoint Representative Weddington.

Finance and Appropriations Subcommittee on Health and Human Services: appoint Representatives Goyal as ranking member and Weddington.

On motion of Representative Blessing, the House recessed.

The House met pursuant to recess.

Representative Rosenberger 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 Bill be considered for the second time and referred to the following committees for consideration.

H.B. No. 163 - Representative Balderson, et al

TO REVISE THE COAL MINING LAWS REGARDING PERMIT APPLICATION AND SET-BACK REQUIREMENTS.

To the committee on Agriculture and Natural Resources

H.B. No. 164 - Representatives Blessing and Weddington, et al TO PERMIT THE ESTABLISHMENT OF A COMMUNITY SCHOOL TO SERVE ADULTS OF SCHOOL AGE WHO ARE INCARCERATED OR WHO HAVE BEEN RELEASED FROM THE CUSTODY OF THE DEPARTMENT OF YOUTH SERVICES AND TO DECLARE AN EMERGENCY.

To the committee on Education

H.B. No. 168 - Representative Carey, et al

TO ESTABLISH THE CAREER TRAINING WORKFORCE DEVELOPMENT GRANT PROGRAM AND TO ALLOCATE A PORTION OF CASINO LICENSE FEES TO FINANCE THE PROGRAM.

To the committee on Economic and Small Business Development

S.B. No. 71 - Senator Manning, et al

TO AUTHORIZE PROPERTY TAX EXEMPTION FOR MUNICIPALLY OWNED FACILITIES HOUSING INDEPENDENT PROFESSIONAL MINOR LEAGUE BASEBALL TEAMS.

To the committee on Ways and Means

LOUIS W. BLESSING WILLIAM G. BATCHELDER
JOHN ADAMS ANDREW BRENNER
ANNE GONZALES CHERYL GROSSMAN
ARMOND BUDISH TRACY HEARD
DEBBIE PHILLIPS MATT SZOLLOSI

Representative Rosenberger 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 the Senate Bill 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 Bill 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. 51 - Representative Huffman

Recognizing the International Year of Chemistry, 2011.

/s/ LOUIS BLESSING Louis Blessing, Chair

Representative Rosenberger 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.

Message from the Speaker

Pursuant to House Rules 13, 28, and 30, the Speaker hereby appoints Representative Celeste to the committee on Health and Aging.

Message from the Speaker

Pursuant to Section 164.02 of the Ohio Revised Code, the Speaker hereby appoints public member Bill Morgan to the Ohio Public Works Commission.

Message from the Speaker

The Speaker of the House of Representatives, on January 3, 2011, signed the following:

S. C. R. No. 1 - Senators Niehaus, Cafaro

Message from the Speaker

The Speaker of the House of Representatives, on January 4, 2011, signed the following:

H. C. R. No. 1 - Speaker Batchelder, Representative Budish

H. C. R. No. 2 - Speaker Batchelder, Representative Budish

Message from the Speaker

The Speaker of the House of Representatives, on February 26, 2011, signed the following:

H. C. R. No. 6 - Speaker Batchelder

Message from the Speaker

The Speaker of the House of Representatives, on March 3, 2011, signed the following:

Sub. H. B. No. 58 - Representative Beck - et al.

Message from the Speaker

The Speaker of the House of Representatives, on March 4, 2011, signed the following:

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

H. B. No. 89 - Representative Derickson - et al.

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

Message from the Speaker

The Speaker Pro Tempore of the House of Representatives, on March 18, 2011, signed the following:

Am. Sub. H. B. No. 30 - Representative Gardner - et al.

Am. Sub. H. B. No. 122 - Representative Hottinger - et al.

On motion of Representative Rosenberger, the House adjourned until Wednesday, March 23, 2011 at 1:30 p.m.

Attest: LAURA P. CLEMENS, Clerk.