

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

WEDNESDAY, MARCH 30, 2011

## THIRTY-THIRD DAY

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

The House met pursuant to adjournment.

Prayer was offered by Pastor Peter Menke of St. Paul's Lutheran Church in Greenville, 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. 179**-Representative Murray.

Cosponsors: Representatives Hagan, R., Roegner, Antonio, Ramos, Szollosi, Beck, Adams, J., Butler, Ruhl, Lundy, Weddington, Derickson, Garland, Ashford, Williams, Adams, R., O'Brien, Combs, Blair, Fende, Schuring, Hackett, Barnes, Dovilla, Burke, Stinziano, Foley, Boose, Letson, Gonzales, McKenney, Huffman.

To enact section 5.2267 of the Revised Code to designate March 29 as "Vietnam Veterans' Day."

**H. B. No. 180**-Representative Schuring.

To amend section 4501.21 and to enact section 4503.524 of the Revised Code to create the "Massillon Tiger Football Booster Club" license plate.

**H. B. No. 181**-Representatives Celeste, Foley.

Cosponsors: Representatives Antonio, Ashford, Driehaus, Garland, Hagan, R., Letson, Murray, Okey, Phillips, Pillich, Ramos, Weddington, Williams, Yuko.

To amend section 5321.04 and to enact section 5321.20 of the Revised Code to require that notice of foreclosure and related sale of residential rental property be given to tenants at that property and to specify that a rental agreement for a residential property that is sold pursuant to a foreclosure action converts to a month-to-month rental agreement.

**H. B. No. 182**-Representatives Foley, Antonio.

Cosponsors: Representatives Murray, Hagan, R., Yuko, Stinziano, Letson.

To enact section 3707.37 of the Revised Code to authorize the establishment of syringe exchange programs.

**H. B. No. 183**-Representative Williams.

Cosponsors: Representatives Weddington, Amstutz.

To amend sections 4303.29 and 4303.292 of the Revised Code to prohibit the transfer of ownership or the transfer of location of a C-1, C-2, or C-2x liquor permit in, or to a premises located in, a municipal corporation or the unincorporated area of a township in which the number of that class of permits actually issued exceeds the number of that class of permits allowed to be issued under population quota restrictions.

Said bills were considered the first time.

#### **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. 54**-Representatives Maag, Martin, et al., having had the same under consideration, reports it back and recommends its passage.

RE: FIREARM RIGHTS

Representative Slaby moved to amend the title as follows:

Add the names: "Pillich, Hayes, Slaby."

LYNN SLABY	BILL HAYES
DANNY R. BUBP	BILL COLEY
CONNIE PILLICH	ROBERT COLE SPRAGUE
JOSEPH W. UECKER	RON YOUNG

The following members voted "NO"

ROLAND WINBURN	NANCY GARLAND
W. CARLTON WEDDINGTON	

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. 125**-Representative Wachtmann, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: PROHIBIT ABORTION-UNBORN HUMAN WITH  
DETECTABLE HEARTBEAT

Representative Wachtmann moved to amend the title as follows:

Remove the name: "McKenney."

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  
TED CELESTE  
NANCY GARLAND  
RICHARD HOLLINGTON  
KENNY YUKO

NICKIE ANTONIO  
JOHN PATRICK CARNEY  
MIKE DUFFEY  
ROBERT F. HAGAN  
DAN RAMOS

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 **S. B. No. 73**-Senator Manning, et al., having had the same under consideration, reports it back and recommends its passage.

RE: NONBEVERAGE FOOD MANUFACTURES

Representative Mecklenborg moved to amend the title as follows:

Add the names: "Representatives Buchy, Celeste, Dovilla, Fedor, Grossman, Letson, Lundy, Maag, Stinziano."

ROBERT MECKLENBORG  
JOHN ADAMS  
TED CELESTE  
COURTNEY COMBS  
TERESA FEDOR  
CHERYL GROSSMAN  
MATT LUNDY  
ROBERT COLE SPRAGUE

RON GERBERRY  
JIM BUCHY  
KATHLEEN CLYDE  
MIKE DOVILLA  
RANDY GARDNER  
TOM LETSON  
RON MAAG  
MICHAEL STINZIANO

The report was agreed to.

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

Representative Foley submitted the following report:

The standing committee on Public Utilities to which was referred **H. C. R. No. 4**-Representative Rosenberger, et al., having had the same under consideration, reports it back and recommends its adoption.

RE: URANIUM ENRICHMENT WORK AT PIKETON PLANT

Representative Stautberg moved to amend the title as follows:

Add the names: "Stautberg, Coley, O'Brien."

PETER STAUTBERG  
MARLENE ANIELSKI  
TROY BALDERSON  
BILL COLEY  
ANNE GONZALES  
CHRISTINA HAGAN  
SEAN O'BRIEN  
KRISTINA ROEGNER  
MICHAEL STINZIANO  
SANDRA WILLIAMS

RON AMSTUTZ  
MIKE ASHFORD  
PETER BECK  
LOU GENTILE  
BRUCE W. GOODWIN  
AL LANDIS  
BOB PETERSON  
CLIFF ROSENBERGER  
MATT SZOLLOSI

The following members voted "NO"

MIKE FOLEY

W. CARLTON WEDDINGTON

The report was agreed to.

The concurrent resolution 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 29, 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 29, 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

**Sub. S. B. No. 5**-Senator Jones.

To amend sections 9.81, 9.90, 9.901, 102.02, 103.74, 109.33, 122.40, 122.64, 122.72, 124.11, 124.134, 124.14, 124.15, 124.152, 124.181, 124.322,

124.325, 124.34, 124.38, 124.382, 124.388, 124.39, 124.81, 124.82, 126.32, 141.01, 141.02, 145.012, 145.47, 306.04, 307.054, 339.06, 339.07, 340.04, 505.38, 505.49, 505.60, 709.012, 742.31, 742.63, 749.082, 749.083, 917.03, 927.69, 991.02, 1349.71, 1509.35, 1513.182, 1513.29, 1545.071, 1551.35, 1707.36, 1707.46, 3301.03, 3304.12, 3306.01, 3307.27, 3307.77, 3309.47, 3311.19, 3313.12, 3313.202, 3313.23, 3313.24, 3313.33, 3313.42, 3314.10, 3316.07, 3317.01, 3317.018, 3317.11, 3317.13, 3319.01, 3319.011, 3319.02, 3319.06, 3319.08, 3319.084, 3319.085, 3319.088, 3319.09, 3319.10, 3319.11, 3319.111, 3319.13, 3319.14, 3319.141, 3319.17, 3319.172, 3319.18, 3319.61, 3319.63, 3326.18, 3332.03, 3701.33, 3737.81, 3737.90, 3770.02, 3772.06, 3773.33, 3781.07, 4112.03, 4117.01, 4117.02, 4117.03, 4117.05, 4117.06, 4117.07, 4117.08, 4117.09, 4117.10, 4117.11, 4117.12, 4117.13, 4117.14, 4117.15, 4117.18, 4117.20, 4117.21, 4123.352, 4301.07, 4517.30, 4701.03, 4701.05, 4703.03, 4703.31, 4709.04, 4715.06, 4717.02, 4723.02, 4725.06, 4725.46, 4729.03, 4730.05, 4731.03, 4732.05, 4733.05, 4734.03, 4738.09, 4741.02, 4747.03, 4753.04, 4755.01, 4757.05, 4758.12, 4759.03, 4761.02, 4763.02, 4775.05, 4905.10, 4906.02, 4911.07, 5107.26, 5119.09, 5123.51, 5126.24, 5139.02, 5503.03, 5505.15, and 5703.09, to enact new section 3319.112 and sections 124.94, 4113.80, 4117.081, 4117.104, 4117.105, 4117.106, 4117.107, 4117.108, 4117.109, 4117.141, 4117.26, and 4117.27, and to repeal sections 3317.12, 3317.14, 3319.112, 3319.131, 3319.142, 3319.143, 4117.16, 4117.22, and 4117.23 of the Revised Code to make various changes to laws concerning public employees, including collective bargaining, salary schedules and compensation, layoff procedures, and leave, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Pillich moved that the bill be read in full.

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

The yeas and nays were taken and resulted - yeas 38, nays 59, as follows:

Those who voted in the affirmative were: Representatives

Antonio	Ashford	Barnes	Budish
Carney	Celeste	Clyde	DeGeeter
Driehaus	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
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	Derickson	Dovilla
Duffey	Fedor	Gardner	Gonzales
Goodwin	Grossman	Hackett	Hagan, C.
Hall	Hayes	Henne	Hollington
Hottinger	Huffman	Johnson	Kozlowski
Landis	Maag	Martin	McClain
McGregor	McKenney	Mecklenborg	Newbold
Peterson	Roegner	Rosenberger	Ruhl
Schuring	Sears	Slaby	Sprague
Stautberg	Stebelton	Thompson	Uecker
Wachtmann	Young		Batchelder-59.

The motion was not agreed to.

The question recurring, "Shall the bill pass?"

Representative Blessing moved to amend as follows:

In line 11373, reinsert the stricken comma; delete "and"; reinsert ", and (D)"

In line 11725, delete "thirty" and insert "fifteen"

In line 11755, delete "cannot" and insert "determines that insufficient funds exist"

In line 11781, delete "(2)"

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

The yeas and nays were taken and resulted - yeas 58, nays 39, 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	Derickson	Dovilla
Duffey	Gardner	Gonzales	Goodwin
Grossman	Hackett	Hagan, C.	Hall
Hayes	Henne	Hollington	Hottinger
Huffman	Johnson	Kozlowski	Landis
Maag	Martin	McClain	McGregor
McKenney	Mecklenborg	Newbold	Peterson
Roegner	Rosenberger	Ruhl	Schuring
Sears	Slaby	Sprague	Stautberg
Stebelton	Thompson	Uecker	Wachtmann
Young			Batchelder-58.

Those who voted in the negative 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	Weddington
Williams	Winburn		Yuko-39.

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

Representative Celeste moved that the bill be laid on the table.

The question being, "Shall the motion to lay the bill on the table be agreed to?"

The yeas and nays were taken and resulted - yeas 38, 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, R.	Heard	Letson	Luckie
Lundy	Mallory	Milkovich	Murray
O'Brien	Okey	Patmon	Phillips
Pillich	Ramos	Reece	Stinziano
Sykes	Szollosi	Weddington	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	Derickson	Dovilla
Duffey	Gardner	Gonzales	Goodwin
Grossman	Hackett	Hagan, C.	Hall
Hayes	Henne	Hollington	Hottinger
Huffman	Johnson	Kozlowski	Landis
Maag	Martin	McClain	McGregor
McKenney	Mecklenborg	Newbold	Peterson
Roegner	Rosenberger	Ruhl	Schuring
Sears	Slaby	Sprague	Stautberg
Stebelton	Thompson	Uecker	Wachtmann
Young			Batchelder-58.

The motion to lay the bill upon the table was not agreed to.

The question recurring, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 53, nays 44, 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	Coley
Combs	Derickson	Dovilla	Duffey
Gonzales	Goodwin	Grossman	Hackett
Hagan, C.	Hall	Hayes	Henne
Hollington	Hottinger	Huffman	Landis
Maag	Martin	McClain	McKenney
Mecklenborg	Newbold	Peterson	Roegner
Rosenberger	Ruhl	Schuring	Sears
Slaby	Sprague	Stautberg	Stebelton
Thompson	Uecker	Wachtmann	Young
			Batchelder-53.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Budish
Carey	Carney	Celeste	Clyde
DeGeeter	Driehaus	Fedor	Fende
Foley	Gardner	Garland	Gentile
Gerberry	Goyal	Hagan, R.	Heard
Johnson	Kozlowski	Letson	Luckie
Lundy	Mallory	McGregor	Milkovich
Murray	O'Brien	Okey	Patmon
Phillips	Pillich	Ramos	Reece
Slesnick	Stinziano	Sykes	Szollosi
Weddington	Williams	Winburn	Yuko-44.

The bill passed.

On motion of Representative Blessing, the House recessed.

The House met pursuant to recess.

Representative Adams, J. 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 be considered for the second time and referred to the following committees for consideration.

**H.B. No. 175 - Representative Peterson**

TO DESIGNATE A PORTION OF STATE ROUTE 104 WITHIN ROSS COUNTY AS THE "DAVID A. GIBSON MEMORIAL HIGHWAY."

To the committee on Transportation, Public Safety and Homeland Security

**H.B. No. 176 - Representative Beck, et al**

TO LIMIT THE MAGNITUDE OF CHANGE ORDERS ON PUBLIC IMPROVEMENTS REQUIRED TO BE COMPETITIVELY BID.

To the committee on Commerce and Labor

**H.B. No. 177 - Representatives Stebelton and Gonzales, et al**

TO PERMIT THE SURVIVING SPOUSE OF A RECIPIENT OF THE CONGRESSIONAL MEDAL OF HONOR, SILVER STAR, BRONZE STAR, OR PURPLE HEART WHO WAS ISSUED OR WAS ELIGIBLE TO BE ISSUED THE SPECIFIED LICENSE PLATES TO RETAIN THE LICENSE PLATES OR OBTAIN SUCH LICENSE PLATES UNTIL THE DEATH OR REMARRIAGE OF THE SURVIVING SPOUSE.

To the committee on Veterans Affairs

**H.B. No. 178 - Representative Young, et al**

TO PROVIDE AUTHORITY FOR THE IMPLEMENTATION OF A DECENTRALIZED MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM THROUGH JUNE 30, 2017.

To the committee on Transportation, Public Safety, and Homeland Security

LOUIS W. BLESSING  
ANDREW BRENNER  
ANNE GONZALES

JOHN ADAMS  
DAVE BURKE  
CHERYL GROSSMAN

Representative Adams, J. 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. 58 - Representative Phillips**

Honoring Steve Stone as the 2011 Ohio Outstanding Tree Farmer of the Year.

Add the name: Brenner

/s/ LOUIS BLESSING  
Louis Blessing, Chair

Representative J. Adams 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 Adams, J., the House adjourned until Thursday, March 31, 2011 at 8:45 a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.