

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, APRIL 5, 2011

## THIRTY-FIFTH DAY

Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, April 5, 2011, 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Evan Young of the United Campus Ministry in Athens, 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:

Hunter Stieber, Cam Tessari, and Chris Phillips received House Resolutions 53, 54, and 55, respectively, presented by Representative Boose-58th district.

The Archbishop Hoban High School mock trial team received House Resolution 61, presented by Representatives Slaby-41st district and Sykes-44th district.

Fourth grade students from Chief Tarhee Elementary School, guests of Representative Stebelton-5th district.

Fourth grade students from New Albany Elementary School, guests of Representative Garland-20th district.

Greg Ferrara, a guest of Representative Slesnick-52nd district.

Jeff Newman, a guest of Speaker Batchelder-69th district.

Katie Kauble, and MSgt. Scott Sparks, a guest of Representative Boose-58th district.

Randy Rachel, and Jeff Franklin, guests of Representative Martin-70th district.

Holy Family Catholic home school group, guests of Representative J. Adams-78th district.

Members of the Piqua Chamber of Commerce, guests of Representative R. Adams-79th district.

Mike Gullett, a guest of Representative Rosenberger-86th district.

Steve and Tonette Seitz, a guest of Representative Carey-87th district.

Cindy Gramke and Greg Carson, guests of Representatives Bubp-88th district, Uecker-66th district.

Jason Walsh, a guest of Representative Balderson-94th district.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 185**-Representatives Carey, O'Brien.

Cosponsors: Representatives Johnson, Rosenberger, Grossman, Landis, Thompson, Antonio, Martin, Buchy, Adams, J., Hottinger, Adams, R., Fende, Schuring, Letson, Mecklenborg.

To enact section 5.2267 of the Revised Code to designate the third week of July as "Ohio Aggregates and Industrial Minerals Awareness Week."

**H. B. No. 186**-Representative Adams, R.

Cosponsors: Representatives Combs, Uecker, Blair, Derickson.

To amend sections 4123.291, 4125.01, 4125.02, 4125.03, 4125.05, 4125.07, 4125.08, 4141.24, and 5747.07 and to enact sections 4125.041, 4125.042, 4125.051, 4125.10, and 4125.11 of the Revised Code to establish certain financial capacity requirements for professional employer organizations, clarify rights and liabilities of professional employer organizations and client employers, and make other changes to the professional employer organization law.

**H. B. No. 187**-Representatives Driehaus, Foley.

Cosponsors: Representatives Hagan, R., Murray, Letson, Williams, Antonio, Yuko, Boyd, Fedor, Lundy, Ramos, Clyde.

To amend sections 109.572, 1181.05, 1181.21, and 1321.52 and to enact sections 1323.01 to 1323.20 and 1323.99 of the Revised Code to require registration of residential mortgage servicers, to regulate residential mortgage servicers, and to adopt civil and criminal penalties for violations of the bill's provisions.

Said bills were considered the first time.

**CONSIDERATION OF SENATE AMENDMENTS**

The Senate amendments to **Sub. H. B. No. 36**-Representatives Kozlowski, Carey, et al., were taken up for consideration.

**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, Anielski, Ashford, Barnes, Beck, Blessing, Bulp, Buchy, Coley, Duffey, Fedor, Hagan, C., Landis, Milkovich, Newbold, O'Brien, Schuring, Uecker, Yuko. Senators Hite, Obhof, Bacon, Beagle,

Brown, Cafaro, Cates, Daniels, Faber, Grendell, Hughes, Jones, LaRose, Lehner, Manning, Patton, Sawyer, Schaffer, Schiavoni, Smith, Stewart, Turner, Wagoner, Widener, Wilson.

To amend sections 3313.482, 3314.08, 3317.01, 3326.11, and 3327.02 and to enact section 3313.88 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, to allow public and chartered nonpublic schools to make up excess calamity days via lessons posted online, to prohibit school districts from declaring it impractical to transport nonpublic or community school students solely on days scheduled by the schools to make up calamity days, 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 0, nays 97, as follows:

Those who voted in the negative 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.

Not having received a constitutional majority, the emergency clause failed of passage.

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

Representative Mallory submitted the following report:

The standing committee on Transportation, Public Safety and Homeland Security to which was referred **H. B. No. 99**-Representatives Damschroder, Garland, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: PROHIBIT ELECTRONIC TEXT BASED COMMUNICATION WHILE DRIVING A VEHICLE

Representative Combs moved to amend the title as follows:

Add the name: "Rosenberger."

Representative DeGeeter moved to amend as follows:

In line 45, after " (D)" insert " This section shall not be construed as invalidating, preempting, or superseding a substantially equivalent municipal ordinance that prescribes penalties for violations of that ordinance that are greater than the penalties prescribed in this section for violations of this section.

(E)"

The motion was agreed to and the bill so amended.

COURTNEY COMBS  
TERRY JOHNSON  
ROSS MCGREGOR  
BILL PATMON  
MARGARET RUHL

TIMOTHY J. DEGEETER  
JEFFREY MCCLAIN  
SEAN O'BRIEN  
CLIFF ROSENBERGER

The report was agreed to.

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

**BILLS FOR THIRD CONSIDERATION**

**Sub. H. B. No. 65**-Representative Combs.

Cosponsors: Representatives O'Brien, Boose, Blessing, Maag, Bulp, Grossman, Carey, Derickson, Pillich, Dovilla, Beck, Fende, Yuko, Coley, Ruhl.

To enact sections 5533.102, 5533.103, 5533.252, 5533.253, 5533.541, 5533.636, 5533.686, 5533.763, 5533.764, 5533.765, 5533.766, 5533.791, and 5533.932 of the Revised Code to designate thirteen memorial highways, 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 Combs moved to amend the title as follows:

Add the names: "Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Balderson, Barnes, Blair, Brenner, Buchy, Budish, Butler, Carney, Celeste, DeGeeter, Driehaus, Fedor, Foley, Gardner, Garland, Gerberry, Gonzales, Goodwin, Goyal, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hottinger, Huffman, Johnson, Landis, Letson, Luckie, Lundy, Mallory, Martin, McClain, McGregor, McKenney, Milkovich, Newbold, Okey, Patmon, Peterson, Phillips, Reece, Roegner, Rosenberger, Sears, Slaby, Slesnick, Stautberg, Stinziano, Sykes, Szollosi, Thompson, Uecker, Wachtmann, Weddington, Winburn, Young, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 92**-Representatives Martin, Beck.

Cosponsors: Representatives Derickson, Boose, Blair, Pillich, Okey, Murray, Slesnick, Maag, Johnson, Letson, Szollosi, McKenney, Bubp, Stinziano, Huffman, Coley.

To amend section 3107.02 of the Revised Code to allow an adult to be adopted if the adult is the child of the spouse of the adoption petitioner, is totally or permanently disabled, had established a kinship caregiver relationship with the petitioner, or was in a planned permanent living arrangement with a public children services or private child placing agency, and the adult consents to the adoption, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Blessing moved to amend as follows:

In line 10, delete "section" and insert "sections"; after "3107.02" insert "and 5103.16"

Between lines 61 and 62, insert:

**"Sec. 5103.16.** (A) Except as otherwise provided in this section, no child shall be placed or accepted for placement under any written or oral agreement or understanding that transfers or surrenders the legal rights, powers, or duties of the legal parent, parents, or guardian of the child into the temporary or permanent custody of any association or institution that is not certified by the department of job and family services under section 5103.03 of the Revised Code, without the written consent of the office in the department that oversees the interstate compact for placement of children established under section 5103.20 of the Revised Code or the interstate compact on the placement of children established under section 5103.23 of the Revised Code, as applicable, or by a commitment of a juvenile court, or by a commitment of a probate court as provided in this section. A child may be placed temporarily without written consent or court commitment with persons related by blood or marriage or in a legally licensed boarding home.

(B)(1) Associations and institutions certified under section 5103.03 of the Revised Code for the purpose of placing children in free foster homes or for legal adoption shall keep a record of the temporary and permanent surrenders of children. This record shall be available for separate statistics, which shall include a copy of an official birth record and all information concerning the social, mental, and medical history of the children that will aid in an intelligent disposition of the children in case that becomes necessary because the parents or guardians fail or are unable to reassume custody.

(2) No child placed on a temporary surrender with an association or institution shall be placed permanently in a foster home or for legal adoption. All surrendered children who are placed permanently in foster homes or for adoption shall have been permanently surrendered, and a copy of the permanent surrender shall be a part of the separate record kept by the association or institution.

(C) Any agreement or understanding to transfer or surrender the legal rights, powers, or duties of the legal parent or parents and place a child with a

person seeking to adopt the child under this section shall be construed to contain a promise by the person seeking to adopt the child to pay the expenses listed in divisions (C)(1), (2), and (4) of section 3107.055 of the Revised Code and, if the person seeking to adopt the child refuses to accept placement of the child, to pay the temporary costs of routine maintenance and medical care for the child in a hospital, foster home, or other appropriate place for up to thirty days or until other custody is established for the child, as provided by law, whichever is less.

(D) No child shall be placed or received for adoption or with intent to adopt unless placement is made by a public children services agency, an institution or association that is certified by the department of job and family services under section 5103.03 of the Revised Code to place children for adoption, or custodians in another state or foreign country, or unless all of the following criteria are met:

(1) Prior to the placement and receiving of the child, the parent or parents of the child personally have applied to, and appeared before, the probate court of the county in which the parent or parents reside, or in which the person seeking to adopt the child resides, for approval of the proposed placement specified in the application and have signed and filed with the court a written statement showing that the parent or parents are aware of their right to contest the decree of adoption subject to the limitations of section 3107.16 of the Revised Code;

(2) The court ordered an independent home study of the proposed placement to be conducted as provided in section 3107.031 of the Revised Code, and after completion of the home study, the court determined that the proposed placement is in the best interest of the child;

(3) The court has approved of record the proposed placement.

In determining whether a custodian has authority to place children for adoption under the laws of a foreign country, the probate court shall determine whether the child has been released for adoption pursuant to the laws of the country in which the child resides, and if the release is in a form that satisfies the requirements of the immigration and naturalization service of the United States department of justice for purposes of immigration to this country pursuant to section 101(b)(1)(F) of the "Immigration and Nationality Act," 75 Stat. 650 (1961), 8 U.S.C. 1101 (b)(1)(F), as amended or reenacted.

If the parent or parents of the child are deceased or have abandoned the child, as determined under division (A) of section 3107.07 of the Revised Code, the application for approval of the proposed adoptive placement may be brought by the relative seeking to adopt the child, or by the department, board, or organization not otherwise having legal authority to place the orphaned or abandoned child for adoption, but having legal custody of the orphaned or abandoned child, in the probate court of the county in which the child is a resident, or in which the department, board, or organization is located, or where the person or persons with whom the child is to be placed reside. Unless the parent, parents, or guardian of the person of the child personally have appeared



before the court and applied for approval of the placement, notice of the hearing on the application shall be served on the parent, parents, or guardian.

The consent to placement, surrender, or adoption executed by a minor parent before a judge of the probate court or an authorized deputy or referee of the court, whether executed within or outside the confines of the court, is as valid as though executed by an adult. A consent given as above before an employee of a children services agency that is licensed as provided by law, is equally effective, if the consent also is accompanied by an affidavit executed by the witnessing employee or employees to the effect that the legal rights of the parents have been fully explained to the parents, prior to the execution of any consent, and that the action was done after the birth of the child.

If the court approves a placement, the prospective adoptive parent with whom the child is placed has care, custody, and control of the child pending further order of the court.

(E) This section does not apply to an adoption by a stepparent, a grandparent, a grandparent's husband or wife, or a guardian."

In line 62, delete "section" and insert "sections"; after "3107.02" insert "and 5103.16"

In line 63, delete "is" and insert "are"

In line 1 of the title, delete "section" and insert "sections"; after "3107.02" insert "and 5103.16"

In line 9 of the title, after "adoption" insert "and to extend to a grandparent's spouse the exemption from certain adoptive placement requirements"

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

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 motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended 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
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Grossman	Hackett	Hagan, C.	Hagan, R.
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McClain	McGregor	McKenney	Mecklenborg
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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 Martin moved to amend the title as follows:

Add the names: "Adams, J., Anielski, Antonio, Baker, Barnes, Blessing, Brenner, Buchy, Burke, Butler, Carey, Carney, Celeste, Combs, DeGeeter, Dovilla, Driehaus, Fedor, Fende, Foley, Gardner, Garland, Gentile, Gerberry, Gonzales, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Heard,

Hottinger, Luckie, Lundy, Mallory, McClain, Mecklenborg, Milkovich, Newbold, O'Brien, Patmon, Peterson, Phillips, Ramos, Reece, Roegner, Rosenberger, Ruhl, Schuring, Sears, Slaby, Sprague, Stebelton, Thompson, Uecker, Wachtmann, Weddington, Winburn, Young, Yuko, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Message from the Speaker

Pursuant to section 181.21 of the Ohio Revised Code, the Speaker hereby appoints Representative Winburn to the State Criminal Sentencing Commission.

Message from the Speaker

Pursuant to section 9.901 of the Ohio Revised Code, the Speaker hereby appoints public member Steve Clark to the School Employees Health Care Board.

Message from the Speaker

Pursuant to section 3301.61 of the Ohio Revised Code, the Speaker hereby appoints Representatives Martin and Pillich to the State Council on Educational Opportunities for Military Children.

Message from the Speaker

Pursuant to section 3773.33(A) of the Ohio Revised Code, the Speaker hereby appoints Representative Mallory to the Ohio Athletic Commission.

Message from the Speaker

The Speaker of the House of Representatives, on March 31, 2011, signed the following:

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

**S. B. No. 80-** Senators Cates, Hughes - et al.

On motion of Representative Blessing, the House adjourned until Wednesday, April 6, 2011 at 1:30 p.m.

Attest:

LAURA P. CLEMENS,  
Clerk.