

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, APRIL 6, 2011

THIRTY-SIXTH DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, April 6, 2011, 1:30 p.m.

The House met pursuant to adjournment.

Prayer was offered by Rabbi Eric Slaton of the Beth Israel Synagogue in Hamilton, 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:

Participants in the Solutions for Patient Safety as a National Quality Strategy, received House Resolution 65, presented by Representative Grossman-23rd district on behalf of the House.

Nancy Russell, a guest of Representatives Amstutz-3rd district and Schuring-51st district.

Alex Miller, a guest of Representative Fende-62nd district.

Mike Hall and Bill Clinger, a guest of Representative McClain-82nd district.

Wendy Zadanski and Irene Moore, guests of Representative Gentile-95th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 188-Speaker Batchelder.

Cosponsors: Representatives Derickson, Beck, Thompson, Wachtmann, Maag, Stebelton, Amstutz, Adams, R., Combs, Blair, Gardner, Johnson, Boose, Carey, Butler, Grossman, Burke, Stautberg, Duffey, Huffman, Adams, J., Newbold, Hayes, Dovilla, Slaby, Martin, Brenner.

To enact sections 103.61, 103.62, 103.63, 103.64, 103.65, 103.66, and 103.67 of the Revised Code to establish the Ohio Constitutional Modernization Commission and to make an appropriation.

H. B. No. 189-Representatives Coley, DeGeeter.

Cosponsors: Representatives O'Brien, Garland, Butler, Yuko, Martin, Murray, Slaby, Beck, Fende, Pillich, Blair, Combs, Ruhl, Schuring, Dovilla, Adams, J., Phillips, Okey, Antonio, Carey, Derickson, McKenney, Brenner.

To amend sections 5301.072 and 5311.191 and to enact section 5321.131 of the Revised Code to prohibit condominium associations, neighborhood associations, and landlords from restricting the display of blue star banners,

gold star banners, and other service flags, and to prohibit landlords from restricting the display of the United States flag.

H. B. No. 190-Representative Winburn.

Cosponsors: Representatives Antonio, Fende, Hagan, R., Letson, Weddington, Williams, Yuko.

To enact section 5.091 of the Revised Code to adopt the book M.C. Higgins, the Great, authored by Virginia Hamilton, as the official youth literature novel of the state and to designate Virginia Hamilton as the official youth literature author of the state.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Fende submitted the following report:

The standing committee on Health and Aging to which was referred **H. R. No. 31**-Representative Mallory, having had the same under consideration, reports it back and recommends its adoption.

RE: URGE EMERGENCY EXEMPTION FOR USE OF INSECTICIDE PROPOXUR TO CONTROL BEDBUGS

Representative Wachtmann moved to amend the title as follows:

Add the names: "Wachtmann, Goodwin, Fende, Antonio, Balderson, Barnes, Burke, Carney, Celeste, Duffey, Gardner, Garland, Hackett, Hagan, R., Hottinger, Johnson, McKenney, Schuring, Sears."

LYNN R. WACHTMANN	BRUCE W. GOODWIN
LORRAINE M. FENDE	NICKIE ANTONIO
TROY BALDERSON	JOHN BARNES
DAVE BURKE	JOHN PATRICK CARNEY
TED CELESTE	MIKE DUFFEY
RANDY GARDNER	NANCY GARLAND
ROBERT HACKETT	ROBERT F. HAGAN
RICHARD HOLLINGTON	JAY HOTTINGER
TERRY JOHNSON	TODD MCKENNEY
DAN RAMOS	KIRK SCHURING
BARBARA R. SEARS	

The report was agreed to.

The resolution 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. 145**-Representatives Weddington, Derickson, et al., having had the same under consideration, reports it back and recommends its passage.

RE: REVISE OHIO COMMISSION ON FATHERHOOD

Representative Mecklenborg moved to amend the title as follows:

Add the names: "Celeste, Patmon."

ROBERT MECKLENBORG	RON GERBERRY
LOUIS W. BLESSING	JIM BUCHY
TED CELESTE	KATHLEEN CLYDE
COURTNEY COMBS	MIKE DOVILLA
TERESA FEDOR	RANDY GARDNER
CHERYL GROSSMAN	MATT HUFFMAN
TOM LETSON	MATT LUNDY
BILL PATMON	ROBERT COLE SPRAGUE
MICHAEL STINZIANO	RON YOUNG

The following members voted "NO"

JOHN ADAMS	RICHARD HOLLINGTON
RON MAAG	

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. 148**-Representatives Letson, Anielski, et al., having had the same under consideration, reports it back and recommends its passage.

RE: MARCH-MACULAR DEGENERATION AWARENESS MONTH

Representative Wachtmann moved to amend the title as follows:

Add the names: "Wachtmann, Barnes, Burke, Carney, Celeste, Gardner, Hackett, Hagan, R., Hollington, Hottinger, Johnson, McKenney, Schuring, Sears."

LYNN R. WACHTMANN	BRUCE W. GOODWIN
LORRAINE M. FENDE	NICKIE ANTONIO
TROY BALDERSON	JOHN BARNES
DAVE BURKE	JOHN PATRICK CARNEY
TED CELESTE	MIKE DUFFEY
RANDY GARDNER	NANCY GARLAND
ROBERT HACKETT	ROBERT F. HAGAN
RICHARD HOLLINGTON	JAY HOTTINGER

TERRY JOHNSON
DAN RAMOS
BARBARA R. SEARS

TODD MCKENNEY
KIRK SCHURING

The report was agreed to.

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

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. 179 - Representative Murray, et al

TO DESIGNATE MARCH 29 AS "VIETNAM VETERANS' DAY."

To the committee on Veterans Affairs

H.B. No. 180 - Representative Schuring

TO CREATE THE "MASSILLON TIGER FOOTBALL BOOSTER CLUB" LICENSE PLATE.

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

H.B. No. 181 - Representatives Celeste and Foley, et al

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.

To the committee on Financial Institutions, Housing and Urban Development

H.B. No. 182 - Representatives Foley and Antonio, et al

TO AUTHORIZE THE ESTABLISHMENT OF SYRINGE EXCHANGE PROGRAMS.

To the committee on Health and Aging

H.B. No. 183 - Representative Williams, et al

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.

To the committee on State Government and Elections

H.B. No. 184 - Representative Martin, et al

TO DESIGNATE MARCH AS "MULTIPLE SYSTEM ATROPHY AWARENESS MONTH."

To the committee on Health and Aging

S.B. No. 132 - Senator Patton, et al

TO DESIGNATE THE BRIDGE THAT WILL SPAN THE CUYAHOGA RIVER IN CUYAHOGA COUNTY AND WILL BE PART OF INTERSTATE 90 AND HAS AN APPROXIMATE SCHEDULED COMPLETION DATE OF LATE 2016 OR EARLY 2017 THE "GEORGE V. VOINOVICH BRIDGE."

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

LOUIS W. BLESSING
ANDREW BRENNER
ANNE GONZALES
TRACY HEARD
MATT SZOLLOSI

JOHN ADAMS
DAVE BURKE
CHERYL GROSSMAN
DEBBIE PHILLIPS

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 and 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 the 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 Senate Concurrent Resolution be introduced and referred to the following committee for consideration:

S.C.R. No. 4 - Senator Daniels, et al

TO URGE THE PRESIDENT OF THE UNITED STATES TO DIRECT THE UNITED STATES DEPARTMENT OF ENERGY TO ENSURE THE CONTINUATION OF THE URANIUM ENRICHMENT WORK BEING DEVELOPED BY USEC, INC., AT ITS PIKETON, OHIO PLANT BY GRANTING USEC'S APPLICATION FOR A FEDERAL LOAN GUARANTEE AND TO DIRECT THE SECRETARY OF ENERGY TO STRONGLY CONSIDER PROVIDING FEDERAL FUNDING ASSISTANCE FOR THE CLEAN ENERGY PARK DEMONSTRATION PROJECT.

To the committee on Public Utilities

/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 introduced and referred as recommended.

The motion was agreed to.

Said resolution was introduced and referred as recommended.

Representative Phillips reported for the Rules and Reference Committee recommending that the following House Resolutions be read by title only and approved:

H.R. No. 59 - Representative Gerberry

Honoring Johnny Matacic for winning a 2011 Division III State Wrestling Championship.

H.R. No. 60 - Representative Grossman

Honoring Teddy Osborn on earning all one hundred twenty-nine merit badges.

H.R. No. 61 - Representatives Slaby, Sykes

Honoring the Archbishop Hoban High School Mock Trial team as the 2011 State Champion.

H.R. No. 62 - Representative Mallory

Honoring the Taft High School boys basketball team as the 2011 Division III State Champion.

H.R. No. 63 - Representative Peterson

Honoring Travis McIntosh on winning a 2011 Division II State Wrestling Championship.

H.R. No. 64 - Representative Peterson

Honoring Riley Shaw as a 2011 Division II State Wrestling Champion.

/s/ LOUIS BLESSING

Louis Blessing, Chair

Representative Blessing moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be approved.

The motion was agreed to.

Representative Adams, J. moved that majority party members asking leave to be absent or absent the week of Tuesday, April 5, 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, April 5, 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**H. C. R. No. 4-Representative Rosenberger.**

Cosponsors: Representatives Gonzales, Buchy, Gardner, Grossman, Huffman, Blessing, Peterson, Garland, Carey, Adams, J., Maag, Derickson, Szollosi, Schuring, Combs, Martin, Blair, Thompson, Patmon, Goodwin, Stebelton, Stautberg, Coley, O'Brien.

To urge the President of the United States to direct the United States Department of Energy to ensure the continuation of the uranium enrichment work being developed by USEC, Inc., at its Piketon, Ohio plant by granting USEC's application for a federal loan guarantee and to direct the Secretary of Energy to strongly consider providing federal funding assistance for the Clean Energy Park Demonstration Project, was taken up for consideration the third time.

The question being, "Shall the concurrent resolution be adopted?"

Representative Rosenberger moved to amend the title as follows:

Add the names: "Adams, R., Anielski, Beck, Boose, Brenner, Bulp, Butler, Duffey, Gentile, Hackett, Hagan, C., Hayes, Hottinger, Johnson, Letson, Luckie, McGregor, Mecklenborg, Newbold, Roegner, Ruhl, Sears, Slaby, Uecker, Young, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

The question being, "Shall the concurrent resolution be adopted?"

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

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Ashford	Baker	Balderson	Barnes
Beck	Blair	Blessing	Boose
Brenner	Bulp	Buchy	Budish
Burke	Butler	Carey	Carney
Celeste	Clyde	Coley	Combs
DeGeeter	Derickson	Dovilla	Driehaus
Duffey	Fedor	Fende	Gardner
Garland	Gentile	Gerberry	Goodwin
Goyal	Grossman	Hackett	Hagan, C.
Hall	Hayes	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
Reece	Roegner	Rosenberger	Ruhl
Schuring	Sears	Slaby	Slesnick
Sprague	Stautberg	Stebelton	Stinziano

Sykes
Wachtmann

Szollosi
Williams

Thompson
Winburn

Uecker
Young
Batchelder-89.

Representatives Antonio, Foley, Hagan, R., Heard, Ramos, and Weddington voted in the negative-6.

The concurrent resolution was adopted.

H. B. No. 139-Representative McKenney.

Cosponsors: Representatives Clyde, Schuring, Sykes, Gerberry, Huffman, Luckie, Celeste, Antonio, Newbold, Baker, Roegner, Maag, Stebelton, Fedor.

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, 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 89, nays 6, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Antonio	Ashford
Baker	Balderson	Barnes	Beck
Blair	Blessing	Brenner	Bubp
Buchy	Budish	Butler	Carey
Carney	Celeste	Clyde	Coley
Combs	DeGeeter	Derickson	Dovilla
Driehaus	Duffey	Fedor	Fende
Foley	Gardner	Garland	Gentile
Gerberry	Goodwin	Goyal	Grossman
Hackett	Hagan, C.	Hagan, R.	Hall
Hayes	Heard	Henne	Hollington
Hottinger	Huffman	Johnson	Kozlowski
Landis	Letson	Luckie	Lundy
Maag	Mallory	McClain	McGregor
McKenney	Mecklenborg	Milkovich	Murray
Newbold	O'Brien	Okey	Patmon
Peterson	Phillips	Pillich	Ramos
Roegner	Rosenberger	Ruhl	Schuring
Sears	Slaby	Slesnick	Sprague
Stautberg	Stebelton	Stinziano	Sykes
Szollosi	Thompson	Uecker	Wachtmann
Weddington	Williams	Winburn	Young Batchelder-89.

Representatives Adams J., Anielski, Boose, Burke, Martin, and Reece voted in the negative-6.

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 94, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Balderson
Barnes	Beck	Blair	Blessing
Brenner	Bubp	Buchy	Budish
Burke	Butler	Carey	Carney
Celeste	Clyde	Coley	Combs
DeGeeter	Derickson	Dovilla	Driehaus
Duffey	Fedor	Fende	Foley
Gardner	Garland	Gentile	Gerberry
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			Batchelder-94.

Representative Boose voted in the negative-1.

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

Representative McKenney moved to amend the title as follows:

Add the names: "Adams, R., Amstutz, Anielski, Barnes, Beck, Blair, Budish, Carney, Combs, Derickson, Dovilla, Fende, Foley, Gardner, Garland, Goyal, Hagan, C., Hagan, R., Heard, Letson, McClain, Mecklenborg, Milkovich, O'Brien, Okey, Patmon, Ramos, Slaby, Slesnick, Stinziano, Weddington, 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 recedes from its amendments 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, 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, Gillmor

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.

Attest:

Vincent L. Keeran,
Clerk.

S. B. No. 73-Senator Manning.

Cosponsors: Senators Turner, Skindell, Tavares, Bacon, Beagle, Daniels, Gillmor, Hughes, Jones, Lehner, Niehaus, Oelslager, Sawyer, Schaffer, Schiavoni, Stewart, Wagoner, Wilson, Faber, LaRose, Patton, Widener, Hite, Obhof, Seitz, Cates. Representatives Buchy, Celeste, Dovilla, Fedor, Grossman, Letson, Lundy, Maag, Stinziano.

To amend section 4301.20 of the Revised Code to allow manufacturers of nonbeverage food products to purchase at wholesale beer and intoxicating liquor from A and B liquor permit holders, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 95, 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	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		Batchelder-95.

The bill passed.

Representative Dovilla moved to amend the title as follows:

Add the names: "Adams, R., Anielski, Antonio, Baker, Balderson, Barnes, Beck, Blair, Blessing, Boose, Brenner, Bubp, Budish, Burke, Butler, Carey, Carney, Clyde, Coley, Combs, DeGeeter, Derickson, Driehaus, Duffey, Gardner, Garland, Gentile, Gerberry, Hackett, Hagan, C., Hall, Hayes, Heard, Hottinger, Johnson, Kozlowski, Luckie, Mallory, Martin, McClain, McGregor, Mecklenborg, Milkovich, Murray, Newbold, O'Brien, Peterson, Phillips, Pillich, Ramos, Roegner, Rosenberger, Ruhl, Schuring, Sears, Slaby, Slesnick, Stebelton, Thompson, Uecker, Young, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Blessing, the House adjourned until Thursday, April 7, 2011 at 8:45 a.m.

Attest:

LAURA P. CLEMENS,
Clerk.