

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

**CORRECTED VERSION**  
**TUESDAY, APRIL 12, 2011**

**THIRTY-EIGHTH DAY**

Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, April 12, 2011, 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Representative Todd McKenney-43rd district, 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 Pro Tempore Blessing prior to the commencement of business:

The Henke Winery received H. R. 24, presented by Representative Driehaus-31st district.

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

Members of the U.S. State Department Legislative Fellows Program for Central and South Asia, guests of Representatives Stinziano-25th district and Celeste-24th district.

Students from St. Paul High School, guests of Representative Boose-58th district.

Fourth and fifth grade students from Upper Sandusky, guests of Representative McClain-82nd district.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 192**-Representative Coley.

To amend sections 349.01, 349.03, 349.04, 349.06, 349.09, and 349.14 of the Revised Code to modify the New Community Authority Law.

**H. B. No. 193**-Representative Uecker.

Cosponsors: Representatives Wachtmann, O'Brien, Bulp, Ashford, Brenner, Fende, Combs, Derickson, Dovilla, Adams, J., Okey.

To amend section 5709.17 of the Revised Code to eliminate the rental income limit that is a condition for the veterans' organization property tax exemption.

**H. B. No. 194**-Representatives Mecklenborg, Blessing.

To amend sections 3.02, 302.09, 305.02, 503.24, 511.27, 733.31, 1545.21, 1901.10, 2301.02, 3501.01, 3501.02, 3501.05, 3501.10, 3503.14, 3503.15,

3503.16, 3503.19, 3505.18, 3505.181, 3505.182, 3505.183, 3505.21, 3505.28, 3506.05, 3509.01, 3509.02, 3509.03, 3509.031, 3509.04, 3511.09, 3511.10, 3513.12, 3513.262, and 3513.31 and to enact sections 3501.40, 3503.161, and 3506.021 of the Revised Code to revise the Election Law.

**H. B. No. 195**-Representatives Anielski, Baker.

Cosponsors: Representatives Murray, McKenney, Slaby, Grossman, Blessing.

To amend sections 2915.01, 2915.03, 2915.06, 2915.061, 2915.08, 2915.09, 3772.01, 3772.02, 3772.03, 3772.032, 3772.033, 3772.04, 3772.06, 3772.07, 3772.10, 3772.17, 3772.21, 3772.23, 3772.30, 3772.31, and 3772.99 and to enact sections 2915.062, 2915.063, 2915.064, 3772.34, and 3772.35 of the Revised Code to provide licensing of skill-based amusement machine operators and distributors and sweepstakes terminal device operators and distributors and to make changes to bingo and other gambling law.

**H. B. No. 196**-Representative Pillich.

Cosponsors: Representatives Antonio, Ashford, Brenner, Fende, Garland, Letson, Murray, Reece, Szollosi, Yuko, Fedor.

To amend sections 109.572, 3107.014, 4757.41, and 5903.10 and to enact sections 5903.101 and 5903.102 of the Revised Code to provide certain professional licensing and certification rights to service members, spouses of service members, and veterans, and to eliminate the civil service employee exemption from counselor and social worker licensure and certification requirements.

**H. B. No. 197**-Representative Slesnick.

Cosponsors: Representatives Fende, Letson, Murray, O'Brien, Patmon, Yuko.

To amend sections 1901.261, 1901.31, 1907.20, 1907.26, 1907.261, and 4503.39 and to enact sections 117.102, 1901.263, 1901.44, 1905.202, 1905.33, 1907.25, 1907.263, 2303.203, and 5747.124 of the Revised Code to require that all moneys collected by the clerk of a municipal or county court be paid to the appropriate person, fund, or entity on or before the twentieth day of each month, to permit a municipal or county court to collect unpaid court costs, fees, or fines from an obligor's state income tax refund, to require the Auditor of State to create and maintain a chart detailing the distribution of court costs, fees, and fines collected by municipal and county court clerks, to create the Committee on Court Costs, and to ensure that neither the Registrar nor any deputy registrar accepts any application for the issuance or renewal of a driver's license, commercial driver's license, or temporary instruction permit, or for the registration or transfer of registration of a motor vehicle of a person who fails to pay court costs imposed for offenses by a municipal mayor's, or county court.

**H. B. No. 198**-Representative Coley.

Cosponsors: Representatives Huffman, Adams, J., Buchy, Maag, Ruhl.

To amend sections 307.699, 3735.67, 5715.19, 5715.27, and 5717.01 of the Revised Code to permit property tax complaints to be initiated only by the property owner.

**H. B. No. 199**-Representative Beck.

Cosponsor: Representative Adams, J.

To amend sections 107.032 and 131.55 and to repeal sections 107.033, 107.034, 107.035, 131.56, 131.57, 131.58, 131.59, and 131.60 of the Revised Code to prohibit the Governor from proposing and the General Assembly from enacting a state budget with aggregate general revenue fund appropriations that exceed ninety-five per cent of the total money received in aggregate revenue.

**H. B. No. 200**-Representative Beck.

Cosponsors: Representatives Rosenberger, Wachtmann, Young.

To amend section 5747.01 of the Revised Code to allow an income tax deduction of up to ten thousand dollars for net capital gains.

**H. B. No. 201**-Representatives Rosenberger, Beck.

Cosponsors: Representatives Adams, J., Boose, Maag, Martin, Thompson.

To amend sections 117.13 and 131.02 and to enact sections 117.60 to 117.70 of the Revised Code to require the Auditor of State to perform recovery audits for overpayments made to vendors by certain state agencies and to permit the Auditor to contract with independent audit consultants to conduct those audits.

**H. B. No. 202**-Representative Hollington.

To amend sections 145.01, 145.191, 145.38, 145.384, 145.473, 145.561, 145.58, 742.26, 742.44, 742.46, 3307.35, 3307.42, 3309.341, 3309.661, 3501.13, and 5505.51 of the Revised Code to limit the retirement benefit of a re-employed retiree of a public retirement system and eliminate the deferred retirement option plan in the Ohio Police and Fire Pension Fund and State Highway Patrol Retirement System.

Said bills were considered the first time.

**BILLS FOR THIRD CONSIDERATION**

**Am. H. J. R. No. 1**-Representatives Huffman, Fende.

Cosponsors: Representatives Slaby, Grossman, Gardner, Sears, Maag, Derickson, McKenney, Amstutz, Brenner, Pillich, Combs, Blessing, McClain, Thompson, Blair, Dovilla, Coley.

Proposing to amend Section 6 of Article IV and to repeal Sections 19 and 22 of Article IV of the Constitution of the State of Ohio to change the age at and after which a person may not be elected or appointed to a judicial office and to eliminate the authority of the General Assembly to establish courts of conciliation and to reappoint a Supreme Court commission.

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that there shall be submitted to the electors of the state, in the manner prescribed by law at the general election to be held on November 8, 2011, a proposal to amend Section 6 of Article IV of the Constitution of the State of Ohio to read as follows:

**ARTICLE IV**

**Section 6.** (A)(1) The chief justice and the justices of the supreme court shall be elected by the electors of the state at large, for terms of not less than six years.

(2) The judges of the courts of appeals shall be elected by the electors of their respective appellate districts, for terms of not less than six years.

(3) The judges of the courts of common pleas and the divisions thereof shall be elected by the electors of the counties, districts, or, as may be provided by law, other subdivisions, in which their respective courts are located, for terms of not less than six years, and each judge of a court of common pleas or division thereof shall reside during his term of office in the county, district, or subdivision in which his court is located.

(4) Terms of office of all judges shall begin on the days fixed by law, and laws shall be enacted to prescribe the times and mode of their election.

(B) The judges of the supreme court, courts of appeals, courts of common pleas, and divisions thereof, and of all courts of record established by law, shall, at stated times, receive, for their services such compensation as may be provided by law, which shall not be diminished during their term of office. The compensation of all judges of the supreme court, except that of the chief justice, shall be the same. The compensation of all judges of the courts of appeals shall be the same. Common pleas judges and judges of divisions thereof, and judges of all courts of record established by law shall receive such compensation as may be provided by law. Judges shall receive no fees or perquisites, nor hold any

other office of profit or trust, under the authority of this state, or of the United States. All votes for any judge, for any elective office, except a judicial office, under the authority of this state, given by the general assembly, or the people shall be void.

(C) No person shall be elected or appointed to any judicial office if on or before the ~~day when he shall assume~~ date of the election at which the office ~~and enter upon the discharge of its duties~~ he is to be filled the person shall have attained the age of ~~seventy~~ seventy-five years. Any voluntarily retired judge, or any judge who is retired under this section, may be assigned with ~~his~~ the retired judge's consent, by the chief justice or acting chief justice of the supreme court, to active duty as a judge and while so serving shall receive the established compensation for such office, computed upon a per diem basis, in addition to any retirement benefits to which ~~he~~ the retired judge may be entitled. Laws may be passed providing retirement benefits for judges.

#### EFFECTIVE DATE AND REPEAL

If adopted by a majority of the electors voting on this proposal, Section 6 of Article IV as amended by this proposal shall take effect immediately, and existing Section 6 and Sections **Section 19.** and **Section 22.** of Article IV of the Constitution of the State of Ohio shall be repealed effective immediately.

#### SCHEDULE

The amendments to Section 6 of Article IV of the Constitution of the State of Ohio in part substitute gender neutral for gender specific language. The gender neutralizing amendments are not intended to make a substantive change in the Ohio Constitution. The gender neutral language is to be construed as a restatement of, and substituted in a continuing way for, the corresponding gender specific language existing prior to adoption of the gender neutralizing amendments.

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

Representative Huffman moved to amend the title as follows:

Add the names: "Anielski, Baker, Beck, Boose, Carey, Duffey, Gonzales, Hollington, Martin, McGregor, Mecklenborg, Newbold, Rosenberger, Schuring, Stebelton, Uecker, Batchelder."

Remove the name: "Pillich."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

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

The yeas and nays were taken and resulted - yeas 70, nays 26, as follows:

Those who voted in the affirmative were: Representatives

Adams J.  
Antonio

Adams R.  
Ashford

Amstutz  
Baker

Anielski  
Balderson

Barnes	Beck	Blair	Blessing
Boose	Brenner	Bubp	Buchy
Burke	Butler	Carey	Coley
Combs	Derickson	Dovilla	Duffey
Fedor	Fende	Gardner	Gonzales
Grossman	Hackett	Hagan, C.	Hall
Hayes	Henne	Hollington	Hottinger
Huffman	Johnson	Kozlowski	Landis
Letson	Luckie	Maag	Mallory
Martin	McClain	McGregor	McKenney
Mecklenborg	Milkovich	Newbold	O'Brien
Patmon	Peterson	Roegner	Rosenberger
Ruhl	Schuring	Sears	Slaby
Slesnick	Sprague	Stautberg	Stebelton
Thompson	Uecker	Wachtmann	Young
Yuko			Batchelder-70.

Those who voted in the negative were: Representatives

Budish	Carney	Celeste	Clyde
DeGeeter	Driehaus	Foley	Garland
Gentile	Gerberry	Goodwin	Goyal
Hagan, R.	Heard	Lundy	Murray
Okey	Phillips	Pillich	Ramos
Reece	Stinziano	Szollosi	Weddington
Williams			Winburn-26.

The joint resolution was adopted.

**H. B. No. 78**-Representatives Uecker, Roegner.

Cosponsors: Representatives Adams, J., Snitchler, Henne, Brenner, Beck, Boose, McClain, Grossman, Thompson, Stautberg, Martin, Huffman, Kozlowski, Dovilla, Derickson, Hall, Combs, Slaby, Hottinger, Goodwin, Carey, Maag, Gardner, Bubp, Hayes, Mecklenborg, Blessing, Young, Sears, Hackett, Butler, Johnson, Amstutz, Wachtmann, Blair, Schuring, Buchy, Gonzales, Newbold, Rosenberger, McKenney, Burke, Adams, R., Balderson.

To amend sections 2305.11, 2307.52, 2919.16, and 4731.22, to enact new sections 2919.17 and 2919.18, to enact section 2919.171, and to repeal sections 2919.17 and 2919.18 of the Revised Code to revise the criminal laws governing post-viability abortions, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Huffman moved that **H. B. No. 78**-Representatives Uecker, Roegner, et al., be rereferred to the committee on Rules and Reference.

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

The yeas and nays were taken and resulted - yeas 84, nays 12, 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	Bubp	Buchy	Burke
Butler	Carey	Celeste	Clyde
Coley	Combs	DeGeeter	Derickson
Dovilla	Driehaus	Duffey	Fedor
Fende	Gardner	Garland	Gentile
Gerberry	Gonzales	Goodwin	Goyal
Grossman	Hackett	Hagan, C.	Hall
Hayes	Heard	Henne	Hollington
Hottinger	Huffman	Johnson	Kozlowski
Landis	Letson	Maag	Mallory
Martin	McClain	McGregor	McKenney
Mecklenborg	Milkovich	Newbold	O'Brien
Patmon	Peterson	Phillips	Reece
Roegner	Rosenberger	Ruhl	Schuring
Sears	Slaby	Slesnick	Sprague
Stautberg	Stebelton	Stinziano	Szollosi
Thompson	Uecker	Wachtmann	Weddington
Williams	Young	Yuko	Batchelder-84.

Those who voted in the negative were: Representatives

Antonio	Budish	Carney	Foley
Hagan, R.	Luckie	Lundy	Murray
Okey	Pillich	Ramos	Winburn-12.

The motion was agreed to.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

#### **Sub. H. B. No. 123** -Representative Hottinger

Cosponsors: Representatives Amstutz, Sears, Anielski, Baker, Blair, Bubp, Combs, Garland, Goyal, Hackett, Johnson, Letson, McClain, Milkovich, Newbold, O'Brien, Peterson, Slaby, Uecker, Speaker Batchelder Senators Bacon, Beagle, Schaffer, Hite, Hughes, LaRose, Obhof, Stewart, Wilson

To amend sections 145.27, 145.56, 145.561, 145.82, 145.95, 742.41, 742.46, 742.47, 742.64, 2329.66, 2929.192, 3305.07, 3305.08, 3305.20, 3305.22, 3307.20, 3307.41, 3307.42, 3309.22, 3309.66, 3309.661, 3309.82, 3309.95, 4121.12, 4121.123, 4121.125, 4121.32, 4121.41, 4121.44, 4121.68, 4123.35, 4123.512, 4123.52, 5505.04, 5505.22, and 5505.34; to enact sections 145.573, 742.464, 2929.193, 3305.12, 3307.373, 3309.673, and 5505.263; and to repeal sections 4121.124 and 4121.99 of the Revised Code to allow the Administrator of Workers' Compensation to waive criteria certain public employers must satisfy to become self-insuring employers; to require bills for



medical and vocational rehabilitation services in claims that are ultimately denied to be paid from the Surplus Fund Account under specified circumstances; to make other changes to the Workers' Compensation Law; to provide for termination of the disability benefit of a state retirement system member convicted of certain felonies committed while serving in a position of honor, trust, or profit; to make appropriations for the Bureau of Workers' Compensation and for the Workers' Compensation Council for the biennium beginning July 1, 2011, and ending June 30, 2013; and to provide authorization and conditions for the operation of the Bureau's and the Council's programs.

As a substitute bill, in which the concurrence of the House is requested.

Attest: Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Speaker

Pursuant to Ohio Revised Code section 4981.361, the Speaker hereby appoints Representative R. Hagan to the Midwest Interstate Passenger Rail Commission.

Message from the Speaker

The Speaker of the House of Representatives, on April 7, 2011, signed the following:

**S. B. No. 73** - Senator Manning - et al.

On motion of Representative Huffman, the House adjourned until Wednesday, April 13, 2011 at 1:30 p.m.

Attest: LAURA P. CLEMENS,  
Clerk.