

OHIO

House

of

Representatives

JOURNAL

CORRECTED VERSION
TUESDAY, MAY 24, 2011

FIFTY-FIRST DAY

Hall of the House of Representatives, Columbus, Ohio
Tuesday, May 24, 2011, 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Reverend Christina Neilson of the Southwest Unitarian Universalist Church in North Royalton, 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:

Orville Ray Timberlake received H. R. 108 presented by Representative Johnson-89th district.

Dana Deshler, a guest of Speaker Batchelder-69th district.

Janis Mitchell, and Sara Marie Brenner, guest and wife of Representative Brenner-2nd district.

Erica Schaeffer, Ariel Giles and Kevin Sheehan, guests of Representatives Luckie-39th district.

Christine Matacic, a guest of Representative Combs-54th district.

Paul and Thelma Miller, guests of Representative McGregor-72nd district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 236-Representative Hagan, C.
Cosponsors: Representatives Schuring, Slesnick.

To enact section 5533.767 of the Revised Code to designate a portion of United States Route 30 within Stark County only as the "Staff Sgt. Kevin J. Kessler Memorial Highway."

H. B. No. 237-Representatives Gerberry, Hagan, R.

To amend section 5120.03 of the Revised Code to bar the sale of any state correctional facility without prior enactment by the General Assembly of an act that authorizes and approves the sale.

H. B. No. 238-Representatives Gerberry, Hagan, R.
Cosponsors: Representatives Ramos, Murray, Pillich, Garland, Lundy, Fende, Ashford, O'Brien, Yuko, Antonio.

To enact section 3741.20 of the Revised Code to require refiners and wholesalers of petroleum products to submit monthly reports to the Director of Commerce regarding petroleum products shipped into, used in, and exported from this state and to create the Gasoline Practices Oversight Commission for the period ending December 31, 2013.

H. B. No. 239-Representative Stautberg.

Cosponsors: Representatives Balderson, Blair, Blessing, Coley, Combs, Derickson, Dovilla, Gardner, Grossman, Letson, Maag, McClain, Pillich, Ruhl, Sears, Szollosi, Uecker, Weddington.

To amend section 5747.01 of the Revised Code to exempt retirement pay related to service in the Commissioned Corps of the National Oceanic and Atmospheric Administration and the Commissioned Corps of the Public Health Service.

H. B. No. 240-Representatives Weddington, Amstutz.

Cosponsors: Representatives Antonio, Ashford, Combs, Foley, Hagan, R., Szollosi, Blair.

To enact sections 901.80 and 901.81 of the Revised Code to create the Ohio Sustainable Food Advisory Council to address program and policy considerations regarding the development of a sustainable food economy in Ohio.

Said bills were considered the first time.

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

Representative Phillips submitted the following report:

The standing committee on Rules and Reference to which was re-referred **H. B. No. 57**-Representative Driehaus, et al., having had the same under consideration, reports it back and recommends its re-referral to the committee on Transportation, Public Safety and Homeland Security.

RE: TUSKEGEE AIRMEN MEMORIAL TRAIL I-75

LOUIS W. BLESSING
TRACY HEARD
DAVE BURKE
CHERYL GROSSMAN

ARMOND BUDISH
DEBBIE PHILLIPS
ANDREW BRENNER
ANNE GONZALES

The report was agreed to.

The bill was ordered to be engrossed and rereferred to the committee on Transportation, Public Safety and Homeland Security.

Representative Mallory submitted the following report:

The standing committee on Transportation, Public Safety and Homeland Security to which was referred **H. B. No. 112**-Representatives Grossman, Letson, et al., having had the same under consideration, reports it back and recommends its passage.

RE: ENGINE COOLANT/ANTIFREEZE - INCLUDE BITTERING AGENT

COURTNEY COMBS
TIMOTHY J. DEGEETER
JEFFREY MCCLAIN
BILL PATMON

DALE MALLORY
ROBERT F. HAGAN
SEAN O'BRIEN
MARGARET RUHL

The following members voted "NO"

REX DAMSCHRODER
ROSS MCGREGOR

TERRY JOHNSON
JOSEPH W. UECKER

The report was agreed to.

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

Representative Fedor submitted the following report:

The standing committee on Agriculture and Natural Resources to which was referred **H. B. No. 133**-Representative Adams, J., et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: OIL AND GAS LEASES ON STATE LAND - OIL AND GAS LEASING BOARD

DAVE HALL
TROY BALDERSON
JIM BUCHY
REX DAMSCHRODER
AL LANDIS
MARGARET RUHL

TIMOTHY DERICKSON
TERRY BOOSE
JOHN CAREY
CASEY KOZLOWSKI
BOB PETERSON
ANDY THOMPSON

The following members voted "NO"

KATHLEEN CLYDE
TRACY HEARD
DENNIS MURRAY
DEBBIE PHILLIPS

LOU GENTILE
DALE MALLORY
SEAN O'BRIEN

The report was agreed to.

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

Representative Mallory submitted the following report:

The standing committee on Transportation, Public Safety and Homeland Security to which was referred **H. B. No. 180**-Representative Schuring, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: MASSILLON TIGER FOOTBALL BOOSTER CLUB LICENSE PLATE

COURTNEY COMBS
DALE MALLORY
ROBERT F. HAGAN
JEFFREY MCCLAIN
SEAN O'BRIEN
MARGARET RUHL

REX DAMSCHRODER
TIMOTHY J. DEGEETER
TERRY JOHNSON
ROSS MCGREGOR
BILL PATMON
JOSEPH W. UECKER

The report was agreed to.

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

Representative Goyal submitted the following report:

The standing committee on Financial Institutions, Housing and Urban Development to which was referred **H. B. No. 189**-Representatives Coley, DeGeeter, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: COMMUNAL RESIDENCES - ALLOW DISPLAY OF SERVICE FLAGS

Representative Coley moved to amend the title as follows:

Add the names: "Goyal, Stautberg, Foley, Slesnick, Ashford, Gentile."

BILL COLEY
JAY P. GOYAL
TERRY BLAIR
MIKE DUFFEY
LOU GENTILE
RICHARD HOLLINGTON
CONNIE PILLICH
PETER STAUTBERG

RICHARD ADAMS
MIKE ASHFORD
ANDREW BRENNER
MIKE FOLEY
ROBERT HACKETT
MICHAEL HENNE
STEPHEN SLESNICK

The report was agreed to.

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

Representative Goyal submitted the following report:

The standing committee on Financial Institutions, Housing and Urban Development to which was referred **H. B. No. 209**-Representative Adams, R., et al., having had the same under consideration, reports it back and recommends its passage.

RE: PUBLIC MONEY DEPOSITS - REDEPOSIT IN FEDERALLY INSURED BANKS

Representative Coley moved to amend the title as follows:

Add the name: "Slesnick."

BILL COLEY	RICHARD ADAMS
JAY P. GOYAL	MIKE ASHFORD
TERRY BLAIR	ANDREW BRENNER
MIKE DUFFEY	MIKE FOLEY
LOU GENTILE	ROBERT HACKETT
RICHARD HOLLINGTON	MICHAEL HENNE
CONNIE PILLICH	STEPHEN SLESNICK
PETER STAUTBERG	

The report was agreed to.

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

Representative Pillich submitted the following report:

The standing committee on Veterans Affairs to which was referred **H. C. R. No. 10**-Representatives Bulp, Martin, et al., having had the same under consideration, reports it back and recommends its adoption.

RE: URGE FUNDING AND PRODUCTION OF F-35 JOINT STRIKER FIGHTER

Representative Martin moved to amend the title as follows:

Add the names: "Fedor, Milkovich, Yuko."

JARROD MARTIN	TERRY JOHNSON
CONNIE PILLICH	DANNY R. BULP
JIM BUTLER	TERESA FEDOR
CHRISTINA HAGAN	AL LANDIS
ZACK MILKOVICH	RON YOUNG
KENNY YUKO	

The report was agreed to.

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

Representative Fedor submitted the following report:

The standing committee on Agriculture and Natural Resources to which was referred **H. C. R. No. 12**-Representative Thompson, et al., having had the same under consideration, reports it back and recommends its adoption.

RE: RECONSIDER ENERGY PRODUCER TAX INCREASES

DAVE HALL	TROY BALDERSON
TERRY BOOSE	JIM BUCHY
JOHN CAREY	REX DAMSCHRODER
BRUCE W. GOODWIN	CASEY KOZLOWSKI
AL LANDIS	BOB PETERSON
MARGARET RUHL	ANDY THOMPSON

The following members voted "NO"

TERESA FEDOR	KATHLEEN CLYDE
LOU GENTILE	DALE MALLORY
DENNIS MURRAY	SEAN O'BRIEN
DEBBIE PHILLIPS	

The report was agreed to.

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

Representative Pillich submitted the following report:

The standing committee on Veterans Affairs to which was referred **H. C. R. No. 16**-Representatives Butler, Rosenberger, et al., having had the same under consideration, reports it back and recommends its adoption.

RE: TO COMMEND OPERATIONS AGAINST OSAMA BIN LADEN

Representative Martin moved to amend the title as follows:

Add the name: "Hagan, C.."

JARROD MARTIN	TERRY JOHNSON
CONNIE PILLICH	DANNY R. BUBP
JIM BUTLER	TERESA FEDOR
CHRISTINA HAGAN	AL LANDIS
ZACK MILKOVICH	RON YOUNG

The report was agreed to.

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

Representative Fedor submitted the following report:

The standing committee on Agriculture and Natural Resources to which was referred **S. B. No. 22**-Senator Schaffer, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: EPA - CONSIDER SPECIFIED FACTORS BEFORE CERTAIN ACTIONS

Representative Hall moved to amend as follows:

In line 13, after " a" insert " publically owned"

In line 15, after " a" insert " publically owned"

In line 16, after " to" insert " publically owned"

In line 18, after " act" insert " and regulations adopted under that act"

In line 45, after " plan" insert " when justified by a clear environmental benefit"

In line 49, after " small" insert " publically owned"

In line 5 of the title, after "for" insert "publically owned"

In line 7 of the title, after "from" insert "publically owned"

In line 9 of the title, after "to" insert "publically owned"

The motion was agreed to and the bill so amended.

DAVE HALL
TROY BALDERSON
JIM BUCHY
KATHLEEN CLYDE
LOU GENTILE
CASEY KOZLOWSKI
DALE MALLORY
SEAN O'BRIEN
DEBBIE PHILLIPS
ANDY THOMPSON

TERESA FEDOR
TERRY BOOSE
JOHN CAREY
REX DAMSCHRODER
BRUCE W. GOODWIN
AL LANDIS
DENNIS MURRAY
BOB PETERSON
MARGARET RUHL

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 Senate Bills be considered for the second time and referred to the following committees for consideration.

S.B. No. 101 - Senator Patton, et al

TO DESIGNATE MAY AS "SUBSTANCE ABUSE AWARENESS AND EDUCATION MONTH."

To the committee on Health and Aging

S. B. No. 118 - Senator Cates, et al

TO MAKE SCHOOLS' IMPLEMENTATION OF BODY MASS INDEX SCREENINGS OPTIONAL.

To the committee on Health and Aging

LOUIS W. BLESSING
DAVE BURKE
CHERYL GROSSMAN
TRACY HEARD

ANDREW BRENNER
ANNE GONZALES
ARMOND BUDISH
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 Senate 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 Senate 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 and House Concurrent Resolution be introduced and referred to the following committees for consideration:

H. R. No. 97 - Representative Sears

TO URGE CONGRESS TO SUPPORT THE CONTINUED AND INCREASED IMPORTATION OF OIL DERIVED FROM CANADIAN OIL SANDS AND URGE CONGRESS TO ASK THE U.S. SECRETARY OF STATE TO APPROVE THE TRANSCANADA KEYSTONE XL PIPELINE PROJECT FROM ALBERTA TO OKLAHOMA.

To the committee on Agriculture and Natural Resources

H.C.R. No. 17 - Representatives Letson and Coley, et al

TO URGE THE SUPREME COURT OF OHIO TO NAME THE OHIO JUDICIAL CENTER FOR FORMER CHIEF JUSTICE THOMAS J. MOYER.

To the committee on Judiciary and Ethics

/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 introduced and referred as recommended.

The motion was agreed to.

Said resolutions were 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. 104 - Representatives Carney, Brenner, Duffey, Garland, Gonzales, Stebelton

Honoring the Northeast Storm hockey club as the 2011 Ohio High School Club Hockey Champion.

H.R. No. 105 - Representatives Szollosi, Fedor

Honoring Anthony Dodd as a 2011 Division IV-V-VI State Powerlifting Champion.

H.R. No. 106 - Representative Szollosi

Honoring Luke Powell as a 2011 Division I-II-III State Powerlifting Champion.

H.R. No. 107 - Representative Szollosi

Honoring Canen Smith as a 2011 Division I-II-III State Powerlifting 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.

BILLS FOR THIRD CONSIDERATION

Am. H. B. No. 96-Representatives Celeste, Brenner.

Cosponsors: Representatives Stebelton, Amstutz, Garland, Foley, Letson, Weddington, Pillich, Dovilla, Patmon, Ramos, Hollington, Phillips, Lundy, Thompson, O'Brien, Yuko, Murray, Williams, Stinziano, Stautberg, Antonio, Reece, Hagan, Fende, Snitchler, Fedor, Milkovich, Clyde, Winburn.

To amend section 3323.01 and to enact section 3323.25 of the Revised Code to specify dyslexia as a specific learning disability and to require a pilot project to provide early screening and intervention services for children with dyslexia, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

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
Boose	Brenner	Bubp	Buchy
Budish	Burke	Butler	Carey
Carney	Celeste	Clyde	Coley
Combs	Damschroder	DeGeeter	Derickson
Driehaus	Duffey	Fende	Foley
Gardner	Garland	Gentile	Gerberry
Gonzales	Goyal	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-94.

Representative Goodwin voted in the negative-1.

The bill passed.

Representative Celeste moved to amend the title as follows:

Add the names: "Adams, R., Balderson, Barnes, Beck, Blair, Blessing, Buchy, Budish, Butler, Carney, DeGeeter, Derickson, Driehaus, Gentile, Gerberry, Goyal, Hackett, Hagan, C., Hall, Heard, Henne, Hottinger, Johnson, Landis, Luckie, Mallory, McClain, McKenney, Mecklenborg, Newbold, Okey, Peterson, Schuring, Slaby, Slesnick, Sykes, Szollosi, Young, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

S. B. No. 71-Senator Manning.

Cosponsors: Senators Schaffer, Wagoner, Widener, Bacon, Beagle, Daniels, Hite, Hughes, LaRose, Obhof, Patton.

To amend section 5709.081 of the Revised Code to authorize property tax exemption for municipally owned facilities housing independent professional minor league baseball teams, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 79, nays 16, 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	Budish
Carey	Carney	Celeste	Clyde
Coley	Damschroder	DeGeeter	Derickson
Driehaus	Fende	Foley	Gardner
Garland	Gentile	Gerberry	Gonzales
Goyal	Hackett	Hagan, C.	Hall
Hayes	Heard	Hollington	Hottinger
Johnson	Kozlowski	Landis	Letson
Luckie	Lundy	Maag	Mallory
Martin	McClain	McGregor	McKenney
Mecklenborg	Milkovich	Murray	Newbold
O'Brien	Okey	Patmon	Phillips
Pillich	Ramos	Reece	Ruhl
Schuring	Sears	Slesnick	Sprague
Stautberg	Stinziano	Sykes	Szollosi
Uecker	Weddington	Williams	Winburn
Young	Yuko		Batchelder-79.

Those who voted in the negative were: Representatives

Buchy	Burke	Butler	Combs
Duffey	Goodwin	Hagan, R.	Henne
Huffman	Peterson	Roegner	Rosenberger
Slaby	Stebelton	Thompson	Wachtmann-16.

The bill passed.

Representative Beck moved to amend the title as follows:

Add the names: "Beck, Blessing, Boose, Fende, Goyal, Luckie, Lundy, Milkovich, Murray, Williams, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Message from the Speaker

April 23, 2011

Speaker William G. Batchelder
Ohio House of Representatives
77 S. High Street, 14th Floor
Columbus, Ohio 43215-6108

Dear Speaker Batchelder,

Thank you for the opportunity to serve with you in the Ohio House of Representatives. I am happy to be accepting an appointment to fill the vacancy in the 4th Ohio Senate District. However, I will miss working with each of you on a daily basis. In order to begin my representation of the people of the 4th Senate District, I hereby resign my seat in the Ohio House of Representatives effective at 1:30 p.m. on Tuesday, May 24, 2011.

Sincerely,

/s/ WILLIAM P. COLEY

William P. Coley, II
State Representative
55th House District

Message from the Speaker

May 24, 2011

The Honorable Bill Coley
55th District
Ohio House of Representatives
77 South High Street
Columbus, Ohio 43215

Dear Representative Coley:

This is to acknowledge receipt and acceptance of your letter of resignation, effective Tuesday, May 24, 2011.

You have served your constituents and the state of Ohio well over the years and I am confident you will continue to do so as a member of the Ohio Senate.

Sincerely,

/s/ WILLIAM G. BATCHELDER

William G. Batchelder
Speaker
Ohio House of Representatives

Message from the Speaker

The Speaker of the House of Representatives, on May 18, 2011, signed the following:

Am. Sub. H. B. No. 93 - Representatives Burke, Johnson - et al.

Message from the Speaker

The Speaker of the House of Representatives, on May 19, 2011, signed the following:

H. C. R. No. 14 - Representative Blessing - et al.

On motion of Representative Blessing, the House adjourned until Wednesday, May 25, 2011 at 1:30 p.m.

Attest:

LAURA P. CLEMENS,
Clerk.