

OHIO

House

of

Representatives

JOURNAL

TUESDAY, SEPTEMBER 20, 2011

EIGHTY-FIFTH DAY
Hall of the House of Representatives, Columbus, Ohio
Tuesday, September 20, 2011, 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Representative Margaret Conditt-55th 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 Batchelder prior to the commencement of business:

Keith McNamara received H. R. 189, presented by Speaker Batchelder-69th district.

Maggie McCue, a guest of Representative Roegner-42nd district.

Seventh grade students and teachers from Manchester Middle School, guests of Representative McKenney-43rd district.

Interns from the Kent State University Columbus Program, guests of Representative Clyde-68th district.

Hancock County Senior Leadership Class, guests of Representative Sprague-76th district.

Spencer Hughes and the Hughes family, guests of Representative Hall-97th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 326-Representatives McClain, Hill.

Cosponsors: Representatives Huffman, Grossman, Hagan, C., Martin, Thompson, Stebelton, Derickson, Adams, J., Adams, R., Blair, Ruhl, Sears, Young, Dovilla, Hayes, Maag, Combs, Carney.

To amend sections 9.03 and 3599.40 of the Revised Code to prohibit a person from using public funds for specified purposes and to specify that a person or a political subdivision who violates the prohibition is guilty of a first degree misdemeanor.

H. B. No. 327-Representative Gonzales.

Cosponsors: Representatives Baker, Brenner, Stebelton.

To amend sections 122.17 and 122.171 of the Revised Code to provide for a six-year trial period in which taxpayers may receive a job creation or job retention tax credit for the employment of home-based employees and to

require the Director of Development to issue a report at the end of the six-year period.

H. B. No. 328-Representative Uecker.

Cosponsors: Representatives Boose, Beck, Adams, J., Dovilla, Maag.

To amend section 2923.129 of the Revised Code to modify the journalist exception to the provision that makes concealed handgun license records confidential.

H. B. No. 329-Representative McGregor.

Cosponsors: Representatives Blair, Hackett, Gonzales.

To amend sections 2913.05 and 4719.17 and to enact section 109.88 of the Revised Code to allow the Attorney General to investigate the offenses of unauthorized use of property and telecommunications fraud, to modify the penalties for telecommunications fraud, and to create the offense of telecommunications fraud perpetrated against an elderly person or disabled adult.

H. B. No. 330-Representatives Brenner, Celeste.

Cosponsors: Representatives Ramos, Letson, Gentile, Stinziano, Hackett, Reece, Thompson, Uecker, Derickson, Gonzales, Schuring, Lundy, Ruhl, Heard, Szollosi, Antonio, Grossman.

To enact section 5.2271 of the Revised Code to designate October as "Dyslexia Awareness Month."

H. B. No. 331-Representatives Dovilla, Bulp.

Cosponsors: Representatives Patmon, Adams, J., Boose, Butler, Rosenberger, Stinziano, Landis, Conditt, Newbold, Brenner, Stebelton, Henne.

To enact section 121.92 of the Revised Code to create the Cybersecurity, Education, and Economic Development Council.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative J. Adams reported for the Rules and Reference Committee recommending that the following House Bill be considered for the second time and referred to the following committee for consideration.

H.B. No. 325 - Representative Landis

TO DESIGNATE A PORTION OF STATE ROUTE 39 WITHIN

TUSCARAWAS COUNTY THE "LANCE CORPORAL PETER JAMES CLORE MEMORIAL HIGHWAY."

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

LOUIS W. BLESSING	JOHN ADAMS
ANDREW BRENNER	ANNE GONZALES
DOROTHY PELANDA	ARMOND BUDISH
MATT SZOLLOSI	

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 the House 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 Bill was considered the second time and referred as recommended.

BILLS FOR THIRD CONSIDERATION

Am. H. B. No. 97-Representatives Hollington, Carney.

Cosponsors: Representatives Henne, Martin, Huffman, Buchy, Snitchler, Ruhl, Gardner, Thompson, Beck, Hackett, Hottinger, Wachtmann, Blair, Yuko, Combs, Stebelton, Letson, O'Brien, Garland, Schuring.

To enact section 124.824 of the Revised Code to require the Department of Administrative Services to make a high deductible health care plan available to state employees and state elected officials, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 93, nays 4, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boose
Brenner	Bubp	Buchy	Budish
Butler	Carey	Carney	Celeste
Clyde	Combs	Conditt	Damschroder
DeGeeter	Derickson	Dovilla	Driehaus
Duffey	Fedor	Fende	Gardner
Garland	Gentile	Gerberry	Gonzales
Goodwin	Goyal	Grossman	Hackett
Hagan, C.	Hall	Hayes	Henne
Hill	Hollington	Hottinger	Huffman
Johnson	Kozlowski	Landis	Letson

Luckie	Lundy	Maag	Mallory
Martin	McClain	McGregor	McKenney
Milkovich	Murray	Newbold	O'Brien
Okey	Patmon	Pelanda	Peterson
Phillips	Pillich	Roegner	Rosenberger
Ruhl	Schuring	Sears	Slaby
Slesnick	Sprague	Stautberg	Stebelton
Stinziano	Sykes	Szollosi	Terhar
Thompson	Uecker	Wachtmann	Weddington
Williams	Winburn	Young	Yuko
			Batchelder-93.

Representatives Foley, Hagan, R., Ramos, and Reece voted in the negative-4.

The bill passed.

Representative Hollington moved to amend the title as follows:

Add the names: "Adams, J., Amstutz, Anielski, Ashford, Baker, Barnes, Boose, Brenner, Bulp, Damschroder, DeGeeter, Derickson, Dovilla, Duffey, Fende, Goyal, Grossman, Hill, Kozlowski, Luckie, Maag, McClain, McKenney, Milkovich, Murray, Newbold, Phillips, Roegner, Sears, Slaby, Slesnick, Sprague, Sykes, Szollosi, Weddington, 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 recessed.

The House met pursuant to recess.

Representative Letson 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. 326 - Representative McClain and Hill, et al
TO PROHIBIT A PERSON FROM USING PUBLIC FUNDS FOR SPECIFIED PURPOSES AND TO SPECIFY THAT A PERSON OR A POLITICAL SUBDIVISION WHO VIOLATES THE PROHIBITION IS GUILTY OF A FIRST DEGREE MISDEMEANOR.

To the committee on Criminal Justice

H.B. No. 327 - Representative Gonzales, et al

TO PROVIDE FOR A SIX-YEAR TRIAL PERIOD IN WHICH TAXPAYERS MAY RECEIVE A JOB CREATION OR JOB RETENTION TAX CREDIT FOR THE EMPLOYMENT OF HOME-BASED EMPLOYEES AND TO REQUIRE THE DIRECTOR OF DEVELOPMENT TO ISSUE A REPORT AT THE END OF THE SIX-YEAR PERIOD.

To the committee on Economic and Small Business Development

LOUIS W. BLESSING
ANDREW BRENNER
CHERYL GROSSMAN
ARMOND BUDISH
MATT SZOLLOSI

JOHN ADAMS
ANNE GONZALES
DOROTHY PELANDA
DEBBIE PHILLIPS

Representative Letson 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 Resolutions be read by title only and approved:

H.R. No. 189 - Speaker Batchelder

Honoring Keith McNamara for outstanding public service.

H.R. No. 190 - Representative Clyde

Honoring the Kent State University baseball team as the 2011 MAC Tournament Champion.

H.R. No. 191 - Representative Clyde

Honoring the Kent State University women's golf team on winning the 2011 Mid-American Conference Championship.

/s/ LOUIS BLESSING
Louis Blessing, Chair

Representative Letson 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.

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. 218 -Representative Hottinger

Cosponsors: Representatives Grossman, Stebelton, Carey, Blair, Buchy, Blessing, Ruhl, Maag, Letson, Hackett, Carney, Luckie, Schuring, Sears, Adams, R., Anielski, Antonio, Boose, Budish, Combs, Derickson, Dovilla, Fedor, Fende, Foley, Gardner, Garland, Gerberry, Goyal, Hagan, C., Hagan, R., Hall, Heard, Johnson, Kozlowski, Lundy, Mallory, McKenney, Milkovich, Murray, Newbold, O'Brien, Okey, Peterson, Pillich, Ramos, Slaby, Uecker, Weddington, Young, Yuko, Speaker Batchelder Senators Beagle, Bacon, Burke, Coley, Hughes, Lehner, Patton, Schaffer, Wagoner

To amend sections 1751.11, 1751.33, 1751.35, 1751.66, 1751.77, 1751.78, 1751.811, 1751.83, 1751.87, 1751.89, 3901.045, 3923.60, and 4731.36; to enact sections 3922.01 to 3922.23; and to repeal sections 1751.831, 1751.84, 1751.85, 1751.88, 3901.80, 3901.81, 3901.82, 3901.83, 3901.84, 3923.66, 3923.67, 3923.68, 3923.681, 3923.69, 3923.70, 3923.75, 3923.76, 3923.77, 3923.78, and 3923.79 of the Revised Code to use the compendia adopted by the United States Department of Health and Human Services to determine whether an insurer may exclude coverage for off-label drug usage and to revise the external review process used by health plan issuers.

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.

On motion of Representative Letson, the House adjourned until Wednesday, September 21, 2011 at 1:30 p.m.

Attest: LAURA P. CLEMENS,
Clerk.