

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, NOVEMBER 16, 2011

ONE HUNDRED FIRST DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, November 16, 2011, 1:30 p.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Jeff Black of the First Baptist Church in Proctorville, 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:

The Kent State University Precision Flight Team received H.R. 149, presented by Representatives Roegner-42nd district and Clyde-68th district.

Julia Shappert received H.R. 201, presented by Representative Peterson-85th district.

Sean Maloney received H.R. 197, presented by Representatives Conditt-55th district, Combs-54th district, Derickson-53rd district, and Maag-35th district.

Terry Kate and Sherry Evans, guests of Representative Slesnick-52nd district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 382-Representative Gentile.

Cosponsors: Representatives Antonio, Fedor, Okey, Ashford, Yuko, Clyde, Driehaus, O'Brien.

To amend section 5101.60 of the Revised Code to provide that "exploitation" under the adult protective services law includes action by any person, rather than only by a caretaker.

H. B. No. 383-Representative Slaby.

Cosponsors: Representatives Grossman, Combs, McGregor, Roegner.

To amend section 1345.01 and to enact sections 4722.01 to 4722.06 of the Revised Code to make changes relative to residential construction and the Consumer Sales Practices Act and to establish laws governing the practices of home construction service suppliers.

Said bills were considered the first time.

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

Representative Murray submitted the following report:

The standing committee on Judiciary and Ethics to which was referred **H. B. No. 247**-Representative Butler, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: COURT COSTS - WAIVE/MODIFY/SUSPEND/CANCEL
UNCOLLECTIBLE AMOUNTS

Representative Bubp moved to amend the title as follows:

Add the names: "Slaby, Bubp."

DANNY R. BUBP	TODD MCKENNEY
DENNIS MURRAY	JIM BUTLER
MARGARET CONDITT	MATT HUFFMAN
TOM LETSON	MARK D. OKEY
LYNN SLABY	GERALD L. STEBELTON
MICHAEL STINZIANO	MATT SZOLLOSI
LOUIS TERHAR	

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

H.B. No. 372 - Representative Sykes, et al

TO ALLOW AN A-1 LIQUOR PERMIT HOLDER TO SELL BEER OR BEER PRODUCTS FOR PERSONAL CONSUMPTION ON THE PREMISES OF THE PERMIT HOLDER.

To the committee on State Government and Elections

H.B. No. 373 - Representatives Johnson and Gonzales, et al

TO PROHIBIT A PHARMACIST FROM SUBSTITUTING ANOTHER DRUG FOR A TAMPER RESISTANT OPIOID ANALGESIC DRUG UNLESS THE SUBSTITUTED DRUG IS ALSO TAMPER RESISTANT OR CONSENT IS OBTAINED FROM THE PRESCRIBING HEALTH PROFESSIONAL.

To the committee on Health and Aging

H.B. No. 374 - Representative Reece, et al

TO PROVIDE THAT THE STATE CERTIFICATION FOR MINORITY BUSINESS ENTERPRISES SATISFIES ANY SIMILAR MINORITY BUSINESS CERTIFICATION REQUIREMENT IMPOSED BY A POLITICAL SUBDIVISION.

To the committee on Economic and Small Business Development

H.B. No. 375 - Representative Butler, et al

TO ALLOW SCHOOL DISTRICTS TO SELL REAL PROPERTY TO PRIVATE, NONPROFIT INSTITUTIONS OF HIGHER EDUCATION.

To the committee on Education

LOUIS W. BLESSING
ANDREW BRENNER
CHERYL GROSSMAN
ARMOND BUDISH
DEBBIE PHILLIPS

JOHN ADAMS
ANNE GONZALES
DOROTHY PELANDA
TRACY HEARD
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 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 Adams, J. moved that majority party members asking leave to be absent or absent the week of Tuesday, November 15, 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, November 15, 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

Sub. H. B. No. 250-Representative Hackett.

Cosponsors: Representatives Grossman, Stebelton, Beck, Letson.

To amend sections 3905.01, 3905.06, and 3905.40 and to enact section 3905.062 of the Revised Code to establish requirements and procedures for issuing portable electronics insurance, 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 2, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Baker	Barnes	Beck
Blair	Blessing	Boose	Brenner
Bubp	Buchy	Budish	Butler
Carey	Carney	Celeste	Clyde
Combs	Conditt	DeGeeter	Derickson
Dovilla	Driehaus	Duffey	Fedor
Fende	Foley	Gardner	Garland
Gentile	Gerberry	Gonzales	Goyal
Grossman	Hackett	Hagan, C.	Hagan, R.
Hall	Hayes	Heard	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	Ramos	Reece
Roegner	Rosenberger	Ruhl	Schuring
Sears	Slaby	Slesnick	Sprague
Stautberg	Stebelton	Stinziano	Sykes
Szollosi	Terhar	Thompson	Uecker
Wachtmann	Williams	Winburn	Young
Yuko			Batchelder-94.

Representatives Damschroder and Goodwin voted in the negative-2.

The bill passed.

Representative Hackett moved to amend the title as follows:

Add the names: "Antonio, Boose, Brenner, Fedor, Foley, Garland, Gerberry, Goyal, Heard, Luckie, Mallory, Phillips, Slaby."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. 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, Winburn, Garland, Pillich, Bubp, Conditt, Weddington, Slaby.

To amend sections 9.03 and 3599.40 of the Revised Code to prohibit a person from using public funds to publish, distribute, or otherwise communicate information that supports or opposes the nomination or election of a candidate for public office, for the investigation, prosecution, or recall of a public official, or for the passage of a levy or bond issue, or to compensate any employee of a political subdivision for time spent on any activity to influence the outcome of an election for any of the purposes described above

and to specify that a person who violates the prohibition is guilty of a first degree misdemeanor, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Budish moved that **Sub. H. B. No. 326**-Representatives McClain, Hill, et al., be informally passed and that it be taken up for consideration on: Tuesday, December 6, 2011.

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:

Am. H. B. No. 167 -Representatives Derickson, Mallory
Cosponsors: Representatives Grossman, Thompson, Blessing, Combs, Boose, Hall, McGregor, McClain, Beck, Damschroder, Pillich, Clyde, Reece, Yuko, Fedor, Antonio, Weddington, Szollosi, Garland, Letson, Barnes, Blair, Dovilla, Fende, Hayes, Milkovich, Stautberg, Winburn, Amstutz, Anielski, Boyd, Brenner, Bulp, Buchy, Carey, Carney, Conditt, Driehaus, Duffey, Gardner, Goodwin, Goyal, Hackett, Hagan, C., Hagan, R., Heard, Johnson, Kozlowski, Landis, Luckie, Lundy, Maag, Mallory, Martin, McKenney, Mecklenborg, Murray, O'Brien, Patmon, Phillips, Ramos, Slesnick, Stinziano, Sykes, Uecker, Wachtmann, Williams, Young, Speaker Batchelder Senators Schaffer, Tavares, Skindell, Turner, Bacon, Balderson, Beagle, Brown, Coley, Daniels, Eklund, Hite, Hughes, Jones, Kearney, Lehner, Manning, Niehaus, Obhof, Oelslager, Sawyer, Schiavoni, Widener, Wilson

To amend section 5747.01 of the Revised Code to authorize an income tax deduction for the otherwise taxable portion of a federal Pell grant or Ohio College Opportunity grant used to pay room and board for a post-secondary student, and to declare an emergency.

With the following additional amendments, in which the concurrence of the House is requested.

After line 929, insert:

"Section 4. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to allow taxpayers to benefit from the income tax deduction authorized by this act as soon as possible, thereby providing a more immediate reduction in the cost of attending college for certain lower-income students. Therefore, this act shall go into immediate effect."

In line 5 of the title, after "student" insert ", and to declare an emergency"

Attest: Vincent L. Keeran,
Clerk.

Pursuant to Joint Rule 16, Representative Blessing moved that the Senate amendments to **Am. H. B. No. 167**-Representatives Derickson, Mallory, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Am. H. B. No. 167**-Representatives Derickson, Mallory, et al., were taken up for consideration.

Am. H. B. No. 167-Representatives Derickson, Mallory.

Cosponsors: Representatives Grossman, Thompson, Blessing, Combs, Boose, Hall, McGregor, McClain, Beck, Damschroder, Pillich, Clyde, Reece, Yuko, Fedor, Antonio, Weddington, Szollosi, Garland, Letson, Barnes, Blair, Dovilla, Fende, Hayes, Milkovich, Stautberg, Winburn, Amstutz, Anielski, Boyd, Brenner, Bulp, Buchy, Carey, Carney, Conditt, Driehaus, Duffey, Gardner, Goodwin, Goyal, Hackett, Hagan, C., Hagan, R., Heard, Johnson, Kozlowski, Landis, Luckie, Lundy, Maag, Mallory, Martin, McKenney, Mecklenborg, Murray, O'Brien, Patmon, Phillips, Ramos, Slesnick, Stinziano, Sykes, Uecker, Wachtmann, Williams, Young, Speaker Batchelder. Senators Schaffer, Tavares, Skindell, Turner, Bacon, Balderson, Beagle, Brown, Coley, Daniels, Eklund, Hite, Hughes, Jones, Kearney, Lehner, Manning, Niehaus, Obhof, Oelslager, Sawyer, Schiavoni, Widener, Wilson.

To amend section 5747.01 of the Revised Code to authorize an income tax deduction for the otherwise taxable portion of a federal Pell grant or Ohio College Opportunity grant used to pay room and board for a post-secondary student, 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 94, nays 2, as follows:

Those who voted in the affirmative were: Representatives

- | | | | |
|-----------|-------------|------------|-----------|
| Adams R. | Amstutz | Anielski | Antonio |
| Baker | Barnes | Beck | Blair |
| Blessing | Boose | Brenner | Bulp |
| Buchy | Budish | Butler | Carey |
| Carney | Celeste | Clyde | Combs |
| Conditt | Damschroder | 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 | Hill | Hollington | Hottinger |

Huffman	Johnson	Kozlowski	Landis
Letson	Luckie	Lundy	Maag
Mallory	McClain	McGregor	McKenney
Milkovich	Murray	Newbold	O'Brien
Okey	Patmon	Pelanda	Peterson
Phillips	Pillich	Ramos	Reece
Roegner	Rosenberger	Ruhl	Schuring
Sears	Slaby	Slesnick	Sprague
Stautberg	Stebelton	Stinziano	Sykes
Szollosi	Terhar	Thompson	Uecker
Wachtmann	Williams	Winburn	Young
Yuko			Batchelder-94.

Representatives Adams J. and Martin voted in the negative-2.

Having received a constitutional majority, the emergency clause stood as part of the bill.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 96, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	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	Foley	Gardner
Garland	Gentile	Gerberry	Gonzales
Goodwin	Goyal	Grossman	Hackett
Hagan, C.	Hagan, R.	Hall	Hayes
Heard	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
Ramos	Reece	Roegner	Rosenberger
Ruhl	Schuring	Sears	Slaby
Slesnick	Sprague	Stautberg	Stebelton
Stinziano	Sykes	Szollosi	Terhar
Thompson	Uecker	Wachtmann	Williams
Winburn	Young	Yuko	Batchelder-96.

The Senate amendments were concurred in.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has passed the following bill in which the concurrence of the House is requested:

S. B. No. 155 -Senators Cates, Sawyer

Cosponsors: Senators Wilson, Brown, Turner, Bacon, Oelslager, Gillmor, Wagoner, Jones, Beagle, Grendell, Obhof, Hughes, Kearney, Tavares, Daniels, Balderson, Burke, Cafaro, Coley, Eklund, Faber, Hite, Jordan, LaRose, Lehner, Manning, Niehaus, Patton, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Widener

To enact section 5.2267 of the Revised Code to designate February 20 as "John Glenn Friendship 7 Day."

Attest:

Vincent L. Keeran,
Clerk.

Said bill was considered the first time.

Message from the Speaker

November 16, 2011

William G. Batchelder, Jr.
Speaker of the House
Ohio House of Representatives
Columbus, Ohio 43215

Dear Speaker Batchelder,

I hereby resign my seat as State Representative for the 43rd House District effective immediately.

Please let it also be spread upon the pages of the Journal how thankful I am for the opportunity to have served here.

Very truly yours,

/s/ TODD MCKENNEY

Todd McKenney
State Representative
Ohio 43rd House District

Message from the Speaker

November 16, 2011

The Honorable Todd McKenney
43rd District
Ohio House of Representatives
77 South High Street
Columbus, Ohio 43215

Dear Representative McKenney:

This is to acknowledge receipt and acceptance of your letter of resignation, effective Wednesday, November 16, 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 in your future endeavors.

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 November 15, 2011, signed the following:

H. C. R. No. 25 - Speaker Batchelder - et al.

H. C. R. No. 26 - Speaker Batchelder, Representative Letson - et al.

On motion of Representative Blessing, the House adjourned until Tuesday, November 22, 2011 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.