

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, DECEMBER 7, 2011

ONE HUNDRED SEVENTH DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, December 7, 2011, 1:30 p.m.

The House met pursuant to adjournment.

Prayer was offered by Brenda Mack of Victory Christian Center in Youngstown, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

The following guest of the House of Representatives was recognized by Speaker Batchelder prior to the commencement of business:

Brenden Lewis, a guest of Representative Gerberry-59th district.

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

Representative Barnes submitted the following report:

The standing committee on Ways and Means to which was referred **H. B. No. 18**-Representative Baker, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: TAX CREDIT - BUSINESS THAT INCREASES PAYROLL & EXPANDS INTO VACANT FACILITY

Representative Beck moved to amend the title as follows:

Add the name: "Letson."

PETER BECK	TOM LETSON
RON AMSTUTZ	NAN BAKER
JOHN BARNES	TERRY BLAIR
TERRY BOOSE	LORRAINE M. FENDE
MIKE FOLEY	BILL HAYES
RON MAAG	ZACK MILKOVICH
JEFFREY MCCLAIN	PETER STAUTBERG
ROLAND WINBURN	

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. 244**-Representatives Gonzales, Roegner, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: PARAMEDICS - GIVE FLU SHOTS TO FIREFIGHTERS AND EMTS

Representative Wachtmann moved to amend the title as follows:

Add the names: "Fende, Antonio, Celeste, Duffey, Garland, Schuring, Yuko."

Representative Gonzales moved to amend as follows:

After line 21, insert:

" (C) For each immunization administered under this section, the paramedic administering the immunization shall, not later than thirty days after the immunization is administered, do either of the following:

(1) Provide notice of the immunization administration to the board of health of the city or general health district in which the individual receiving the immunization resides or, if there is no board of health for that district, the authority having the duties of a board of health under section 3709.05 of the Revised Code;

(2) Submit the immunization administration information to the state immunization registry maintained by the department of health."

The motion was agreed to and the bill so amended.

LYNN R. WACHTMANN
NICKIE ANTONIO
JOHN PATRICK CARNEY
MIKE DUFFEY
NANCY GARLAND
ROBERT HACKETT
BRIAN HILL
JAY HOTTINGER
DAN RAMOS
KENNY YUKO

LORRAINE M. FENDE
JOHN BARNES
TED CELESTE
RANDY GARDNER
ANNE GONZALES
ROBERT F. HAGAN
RICHARD HOLLINGTON
DOROTHY PELANDA
KIRK SCHURING

The report was agreed to.

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

Representative Murray submitted the following report:

The standing committee on Judiciary and Ethics to which was referred **H. B. No. 268**-Representatives Szollosi, Butler, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: JURY SERVICE LAW - MODERNIZE AND REORGANIZE

Representative Bubp moved to amend the title as follows:

Add the name: "Murray."

DANNY R. BUBP
JIM BUTLER
MATT HUFFMAN
MARK D. OKEY
MICHAEL STINZIANO
LOUIS TERHAR

DENNIS MURRAY
MARGARET CONDITT
TOM LETSON
GERALD L. STEBELTON
MATT SZOLLOSI

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. 276**-Representatives Buchy, Gentile, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: ZONING/AGRICULTURAL USE VALUATION - INCLUDE BIO SOURCE ENERGY PRODUCTION

DAVE HALL
TERESA FEDOR
JIM BUCHY
KATHLEEN CLYDE
TIMOTHY DERICKSON
CHRISTINA HAGAN
CASEY KOZLOWSKI
DENNIS MURRAY
MARGARET RUHL

BOB PETERSON
TERRY BOOSE
JOHN CAREY
REX DAMSCHRODER
LOU GENTILE
TRACY HEARD
AL LANDIS
SEAN O'BRIEN
ANDY THOMPSON

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. 292**-Representative Gonzales, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: GENETIC COUNSELORS - LICENSURE

Representative Wachtmann moved to amend the title as follows:

Add the names: "Fende, Antonio, Carney, Celeste, Duffey, Garland, Yuko."

LYNN R. WACHTMANN
NICKIE ANTONIO
JOHN PATRICK CARNEY
MIKE DUFFEY
NANCY GARLAND

LORRAINE M. FENDE
JOHN BARNES
TED CELESTE
RANDY GARDNER
ANNE GONZALES

ROBERT HACKETT
BRIAN HILL
JAY HOTTINGER
DAN RAMOS
KENNY YUKO

ROBERT F. HAGAN
RICHARD HOLLINGTON
DOROTHY PELANDA
KIRK SCHURING

The report was agreed to.

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

Representative Ashford submitted the following report:

The standing committee on Finance and Appropriations to which was referred **H. B. No. 371**-Representatives Amstutz, Weddington, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: LOCAL GOVERNMENT INNOVATION PROGRAM

RON AMSTUTZ
VERNON SYKES
MARLENE ANIELSKI
PETER BECK
KATHLEEN CLYDE
DENISE DRIEHAUS
RANDY GARDNER
ANNE GONZALES
CHERYL GROSSMAN
RICHARD HOLLINGTON
RON MAAG
ROSS MCGREGOR
BOB PETERSON
ALICIA REECE
GERALD L. STEBELTON

JOHN CAREY
RICHARD ADAMS
MIKE ASHFORD
JOHN PATRICK CARNEY
TIMOTHY DERICKSON
MIKE DUFFEY
NANCY GARLAND
JAY P. GOYAL
DAVE HALL
MATT LUNDY
JEFFREY MCCLAIN
CRAIG NEWBOLD
DEBBIE PHILLIPS
BARBARA R. SEARS
W. CARLTON WEDDINGTON

The report was agreed to.

The bill 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 **Am. S. B. No. 155**-Senators Cates, Sawyer, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: JOHN GLENN FRIENDSHIP 7 DAY - FEBRUARY 20TH

Representative Huffman moved to amend the title as follows:

Add the names: "Representatives Huffman, Maag, Gardner, Buchy, Celeste, Patmon, Stinziano, Lundy, Clyde, Letson, Gerberry."

Representative Maag moved to amend as follows:

After line 9, insert:

"Section 2. 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 the designation of "John Glenn Friendship 7 Day" to occur as soon as possible. Therefore, this act shall go into immediate effect."

In line 3 of the title, delete the period; after the quotation mark insert "and to declare an emergency."

The motion was agreed to and the bill so amended.

- | | |
|---------------|--------------------|
| MATT HUFFMAN | RON MAAG |
| RANDY GARDNER | COURTNEY COMBS |
| TERESA FEDOR | LOUIS TERHAR |
| JIM BUCHY | RICHARD HOLLINGTON |
| TED CELESTE | CHERYL GROSSMAN |
| BILL PATMON | MICHAEL STINZIANO |
| MATT LUNDY | KATHLEEN CLYDE |
| TOM LETSON | VERNON SYKES |
| RON GERBERRY | JOHN ADAMS |

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

Representative Adams, J. moved that majority party members asking leave to be absent or absent the week of Tuesday, December 6, 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, December 6, 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. 268-Representatives Szollosi, Butler.

Cosponsors: Representatives Pillich, Garland, Letson, Antonio, Gardner, Yuko, Stinziano, Okey, Murray.

To amend sections 3.08, 163.10, 311.17, 509.15, 733.73, 733.74, 1901.25, 1907.28, 2101.30, 2311.42, 2313.01, 2313.02, 2313.03, 2313.05, 2313.11,

2313.12, 2313.13, 2313.16, 2313.18, 2313.19, 2313.20, 2313.251, 2313.29, 2313.34, 2313.38, 2313.41, 2313.42, 2313.46, 2313.47, 2313.99, 2335.28, 2938.05, 2938.14, 2939.02, 2939.03, 2945.24, 2947.23, 3314.03, 3326.11, 5155.12, and 5563.05, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 2313.05 (2313.04), 2313.11 (2313.18), 2313.13 (2313.15), 2313.16 (2313.14), 2313.18 (2313.19), 2313.19 (2313.07), 2313.20 (2313.08), 2313.251 (2313.10), 2313.29 (2313.20), 2313.34 (2313.22), 2313.38 (2313.11), 2313.41 (2313.16), 2313.42 (2313.17), 2313.46 (2313.24), and 2313.47 (2313.13), to enact new sections 2313.05, 2313.06, 2313.09, 2313.21, and 2313.23, and to repeal sections 2313.04, 2313.06, 2313.07, 2313.08, 2313.09, 2313.10, 2313.14, 2313.15, 2313.21, 2313.22, 2313.23, 2313.24, 2313.25, 2313.26, 2313.30, 2313.32, 2313.33, 2313.35, 2313.36, 2313.37, 2313.39, 2313.40, 2313.43, and 2313.45 of the Revised Code to modernize the language of, to reorganize, and to remove obsolete provisions from the jury service law, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

12/07/2011

The Honorable William G. Batchelder, Speaker
The Ohio House of Representatives
Columbus, Ohio
Speaker Batchelder,

Pursuant to House Rule No. 57, I respectfully request that I be excused from voting on **Sub. H. B. No. 268**-Representatives Szollosi, Butler, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ TERRY BOOSE
TERRY BOOSE
State Representative
58th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 90, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Brenner

Bubp	Buchy	Budish	Butler
Carney	Celeste	Clyde	Combs
Conditt	Damschroder	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	Milkovich
Murray	Newbold	O'Brien	Okey
Patmon	Pelanda	Peterson	Phillips
Ramos	Reece	Roegner	Rosenberger
Ruhl	Schuring	Slesnick	Sprague
Stautberg	Stinziano	Sykes	Szollosi
Terhar	Thompson	Uecker	Wachtmann
Weddington	Williams	Winburn	Young
Yuko			Batchelder-90.

The bill passed.

Representative Szollosi moved to amend the title as follows:

Add the names: "Anielski, Baker, Barnes, Blair, Bubp, Carney, DeGeeter, Gonzales, Grossman, Hagan, C., Johnson, Luckie, Mallory, Martin, McClain, Milkovich, Patmon, Peterson, Weddington, Williams, Winburn, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 337-Representative Rosenberger.

Cosponsors: Representatives Butler, Gonzales, Sears, O'Brien, Terhar.

To amend sections 2935.36, 2951.041, 4506.01, 4506.05, 4506.07, 4506.09, 4506.10, 4506.101, 4506.12, 4506.13, 4506.14, 4506.15, 4506.16, 4506.161, 4506.17, 4506.21, 4510.03, 4510.036, 4513.37, and 5577.05 and to enact section 4506.131 of the Revised Code to make changes in the law governing commercial drivers' licenses, including hazardous material endorsements, medical certification requirements, disqualifications, conviction records, and establishing texting while driving as a serious traffic violation, to exclude certain components from the prohibited length dimensions of specified types of vehicles, 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 82, nays 9, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Antonio	Ashford
Baker	Barnes	Beck	Blair
Blessing	Boose	Brenner	Bubp
Budish	Butler	Carney	Celeste
Clyde	Combs	Conditt	Damschroder
DeGeeter	Derickson	Dovilla	Driehaus
Duffey	Fedor	Fende	Foley
Garland	Gentile	Gerberry	Gonzales
Goyal	Grossman	Hackett	Hagan, C.
Hall	Hayes	Heard	Henne
Hill	Hollington	Hottinger	Huffman
Johnson	Kozlowski	Landis	Letson
Luckie	Lundy	Maag	Mallory
McClain	McGregor	Milkovich	Murray
Newbold	O'Brien	Okey	Patmon
Pelanda	Peterson	Phillips	Reece
Roegner	Rosenberger	Ruhl	Schuring
Slesnick	Sprague	Stautberg	Stinziano
Sykes	Szollosi	Terhar	Uecker
Weddington	Williams	Winburn	Young
Yuko			Batchelder-82.

Those who voted in the negative were: Representatives

Amstutz	Anielski	Buchy	Gardner
Hagan, R.	Martin	Ramos	Thompson
			Wachtmann-9.

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 88, nays 3, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Anielski	Antonio
Ashford	Baker	Barnes	Beck
Blair	Blessing	Boose	Brenner
Bubp	Budish	Butler	Carney
Celeste	Clyde	Combs	Conditt
Damschroder	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	Milkovich	Murray

Newbold	O'Brien	Okey	Patmon
Pelanda	Peterson	Phillips	Ramos
Reece	Roegner	Rosenberger	Ruhl
Schuring	Slesnick	Sprague	Stautberg
Stinziano	Sykes	Szollosi	Terhar
Thompson	Uecker	Weddington	Williams
Winburn	Young	Yuko	Batchelder-88.

Representatives Adams J., Buchy, and Wachtmann voted in the negative-3.

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

Representative Rosenberger moved to amend the title as follows:

Add the names: "Antonio, Baker, Beck, Blessing, Bubp, Combs, DeGeeter, Derickson, Garland, Gerberry, Hackett, Hill, Letson, Luckie, Lundy, Mallory, McClain, McGregor, Murray, Newbold, Ruhl, Sprague, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 371-Representatives Amstutz, Weddington.
Cosponsors: Representatives Blair, McClain, Duffey.

To amend sections 189.01, 189.03, 189.04, 189.05, 189.06, 189.07, and 189.08 of the Revised Code and to amend Sections 261.10 and 261.20.93 of Am. Sub. H.B. 153 of the 129th General Assembly regarding the Local Government Innovation Program and to make an appropriation, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 88, nays 3, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Brenner
Bubp	Buchy	Budish	Butler
Carney	Celeste	Clyde	Combs
Conditt	Damschroder	DeGeeter	Derickson
Dovilla	Driehaus	Duffey	Fedor
Fende	Foley	Gardner	Garland
Gentile	Gerberry	Gonzales	Goyal
Grossman	Hackett	Hagan, C.	Hall
Hayes	Heard	Henne	Hill
Hollington	Hottinger	Huffman	Johnson
Kozlowski	Landis	Letson	Luckie
Lundy	Maag	Mallory	Martin
McClain	McGregor	Milkovich	Murray
Newbold	O'Brien	Okey	Pelanda
Peterson	Phillips	Ramos	Reece

Roegner	Rosenberger	Ruhl	Schuring
Slesnick	Sprague	Stautberg	Stinziano
Sykes	Szollosi	Terhar	Thompson
Uecker	Wachtmann	Weddington	Williams
Winburn	Young	Yuko	Batchelder-88.

Representatives Boose, Hagan, R., and Patmon voted in the negative-3.

The bill passed.

Representative Amstutz moved to amend the title as follows:

Add the names: "Anielski, Baker, Barnes, Beck, Blessing, Combs, Conditt, Derickson, Dovilla, Gonzales, Goyal, Grossman, Hackett, Hagan, C., Hottinger, Kozlowski, Mallory, McGregor, Murray, Newbold, Peterson, Schuring, Sprague, Uecker, Winburn, Young, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Clerk's Notation

Dear Speaker Batchelder,

Please accept my resignation as Clerk of the House, effective December 2, 2011.

It has been an honor and pleasure to work for you and the Ohio House of Representatives.

Sincerely,

/s/ LAURA P. CLEMENS

Laura P. Clemens

On motion of Representative Blessing, the House adjourned until Tuesday, December 13, 2011 at 11:00 o'clock a.m.

Attest:

THOMAS L. SHERMAN,
Deputy Clerk.