

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, JANUARY 25, 2012

ONE HUNDRED TWENTIETH DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, January 25, 2012, 1:30 p.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Greg Tidwell of the Fishinger and Kenny Church of Christ in Columbus, 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 St. Henry High School girls volleyball team received H. R. 238, presented by Representative Buchy-77th district.

St. Mark's Lodge 7 of the Prince Hall Free and Accepted Masons received H. R. 252, presented by Representative Weddington-27th district.

Dan Langshaw, a guest of Representative Antonio-13th district.

Mayor Deborah Sutherland, a guest of Representative Baker-16th district.

Alexander Weiss, a guest of Representative Garland-20th district.

Elsa Kuhn, a guest of Representative Stinziano-25th district.

Alexandra Rossetti, a guest of Representative Sykes-44th district.

Dan Schroer, Barb Wagner, and Dottie Meade, guests of Representative Martin-70th district.

Joel Staudter and Darlene Chiles, guests of Representative Sprague-76th district.

Jeff Staggs and Dr. Jerry Lahmers, guests of Representative Landis-96th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 426-Representative Schuring.

Cosponsors: Representatives Derickson, Lundy, Antonio, O'Brien, Stebelton, Reece, Yuko, Fende, Combs, Patmon, Buchy, Letson, Grossman, Boyd, Foley, Slesnick, Hill, Blair, Dovilla, Huffman, Boose, Gonzales, Adams, J., Rosenberger, Slaby, Goodwin.

To amend section 5747.113 and to enact section 3701.601 of the Revised Code to allow taxpayers to contribute a portion of their income tax refunds to the Ohio Breast and Cervical Cancer Project.

H. B. No. 427-Representatives Boyd, Gardner.

Cosponsors: Representatives Barnes, Lundy, Murray, Garland, Ashford, Ramos, Goyal, Letson, Reece, Yuko, Antonio, Landis, Fende.

To amend sections 3701.90, 3701.901, 3701.902, 3701.903, 3701.904, 3701.907, 4742.03, 4765.10, 4765.16, and 4765.40; to enact sections 3701.908, 3701.909, 3727.11, 3727.111, 4765.44, and 4765.45; and to repeal sections 3701.905 and 3701.906 of the Revised Code to replace the Council on Stroke Prevention and Education with the Stroke System of Care Task Force; to provide for state recognition of hospitals that are primary stroke centers; to require establishment of protocols for emergency triage, treatment, and transport of stroke patients; and to require the Department of Health to maintain a stroke data registry and a statewide system for stroke response and treatment.

H. B. No. 428-Representatives Johnson, Kozlowski.

Cosponsors: Representatives Duffey, Maag, Ashford, Dovilla, Henne.

To enact section 3319.318 of the Revised Code to establish a process to appeal letters of admonishment issued by the State Board of Education.

H. B. No. 429-Representative Johnson.

To enact section 5533.831 of the Revised Code to designate a portion of State Route 52 in Scioto County as the "Boone Coleman Memorial Highway."

H. B. No. 430-Representatives Boose, Hackett.

Cosponsors: Representatives Grossman, Brenner, Beck, Blessing, Adams, J., Henne, Gardner, Uecker, Stebelton, McGregor, Combs, Blair, Hill, Thompson.

To amend sections 307.12, 307.86, 307.861, 307.88, and 5705.41 and to enact section 307.863 of the Revised Code to increase the county competitive bidding and other procurement thresholds, to make other changes to the county competitive bidding law, and to eliminate the annual adoption of certain resolutions.

Said bills were considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 66**-Representative McGregor, et al., were taken up for consideration.

Sub. H. B. No. 66-Representative McGregor.

Cosponsors: Representatives Beck, Adams, J., Brenner, Ruhl, Huffman, Derickson, Blessing, Dovilla, Kozlowski, Grossman, Amstutz, Combs,

Stebelton, Hackett, Hottinger, Hollington, Pillich, Blair, Maag, Adams, R., Anielski, Antonio, Baker, Barnes, Boose, Bubp, Buchy, Butler, Carney, Celeste, Clyde, Coley, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gonzales, Goodwin, Goyal, Hagan, C., Hall, Hayes, Henne, Johnson, Letson, Luckie, Lundy, Martin, McClain, McKenney, Mecklenborg, Milkovich, Murray, Newbold, O'Brien, Patmon, Peterson, Phillips, Ramos, Roegner, Schuring, Sears, Slaby, Sprague, Sykes, Szollosi, Thompson, Uecker, Wachtmann, Weddington, Young, Yuko, Speaker Batchelder. Senators Bacon, Balderson, Beagle, Burke, Cafaro, Daniels, Faber, Hite, Hughes, Jordan, LaRose, Manning, Obhof, Oelslager, Patton, Schaffer, Wagoner, Widener.

To amend section 124.341 and to enact section 117.103 of the Revised Code to require the Auditor of State to establish a fraud-reporting system for residents and public employees to file anonymous complaints of fraud and misuse of public funds by public offices or officials.

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

The yeas and nays were taken and resulted - yeas 95, 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	Boose
Boyd	Brenner	Bubp	Buchy
Budish	Butler	Carney	Celeste
Cera	Clyde	Combs	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Driehaus	Duffey	Fedor	Fende
Foley	Gardner	Garland	Gerberry
Gonzales	Goodwin	Goyal	Grossman
Hackett	Hagan, C.	Hagan, R.	Hall
Hayes	Heard	Henne	Hill
Hottinger	Huffman	Johnson	Kozlowski
Landis	Letson	Luckie	Lundy
Maag	Mallory	Martin	McClain
McGregor	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	Weddington	Williams
Winburn	Yuko		Batchelder-95.

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 116**-Representative Barnes, et al., were taken up for consideration.

Sub. H. B. No. 116-Representative Barnes.

Cosponsors: Representatives Patmon, Fedor, Yuko, Letson, Antonio, Luckie, Beck, Buchy, Carney, Driehaus, Duffey, Foley, Garland, Goyal, Mallory, Milkovich, O'Brien, Ramos, Reece, Weddington, Winburn, Speaker Batchelder. Senators Sawyer, Beagle, Coley, Hite, Brown, Cafaro, Gentile, Kearney, Lehner, Manning, Obhof, Patton, Schiavoni, Skindell, Smith, Tavares, Turner, Wagoner.

To amend sections 3313.666, 3313.667, 3319.073, and 3333.31 of the Revised Code to enact the "Jessica Logan Act" regarding public schools' policies prohibiting harassment, intimidation, or bullying and to qualify certain homeschooled students for in-state tuition at state institutions of higher education.

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

The yeas and nays were taken and resulted - yeas 91, nays 4, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Anielski	Antonio
Ashford	Baker	Barnes	Beck
Blair	Blessing	Boyd	Brenner
Bubp	Buchy	Budish	Butler
Carney	Celeste	Cera	Clyde
Combs	Conditt	Damschroder	DeVitis
Derickson	Driehaus	Duffey	Fedor
Fende	Foley	Gardner	Garland
Gerberry	Gonzales	Goodwin	Goyal
Grossman	Hackett	Hagan, C.	Hagan, R.
Hall	Hayes	Heard	Henne
Hill	Hottinger	Huffman	Johnson
Kozlowski	Landis	Letson	Luckie
Lundy	Maag	Mallory	Martin
McClain	McGregor	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	Weddington	Williams
Winburn	Yuko		Batchelder-91.

Representatives Adams J., Boose, Dovilla, and Wachtmann voted in the negative-4.

The Senate amendments were concurred in.

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

Representative Winburn submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 118**-Representative Fende, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: JUDGE/MAGISTRATE A VICTIM - INCREASE
PENALTY/PROBATE OFFICER - PERSONAL INFO SECRET

LYNN SLABY	BILL HAYES
ROLAND WINBURN	LOUIS W. BLESSING
DANNY R. BUBP	MARGARET CONDITT
NANCY GARLAND	CONNIE PILLICH
ROBERT COLE SPRAGUE	JOSEPH W. UECKER
SANDRA WILLIAMS	

The report was agreed to.

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

Representative Winburn submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 265**-Representatives Slaby, O'Brien, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CRIMINAL CASES - PROSECUTORS MAY DEMAND JURY TRIAL

LYNN SLABY	BILL HAYES
LOUIS W. BLESSING	DANNY R. BUBP
MARGARET CONDITT	ROBERT COLE SPRAGUE
JOSEPH W. UECKER	

The following members voted "NO"

ROLAND WINBURN	NANCY GARLAND
CONNIE PILLICH	SANDRA WILLIAMS

The report was agreed to.

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

Representative Winburn submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 323**-Representatives Dovilla, Anielski, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: RETIREMENT/DISABILITY BENEFITS FORFEITED FOR EXTORTION AND PERJURY

Representative Slaby moved to amend as follows:

In line 280, after " felony" insert " and that is committed within the context of the offender's public employment in a position of honor, trust, or profit"

The motion was agreed to and the bill so amended.

Representative Slaby moved to amend the title as follows:

Add the names: "Slaby, Hayes, Bubp, Uecker, Sprague."

- | | |
|---------------------|-------------------|
| LYNN SLABY | BILL HAYES |
| ROLAND WINBURN | LOUIS W. BLESSING |
| DANNY R. BUBP | MARGARET CONDITT |
| NANCY GARLAND | CONNIE PILLICH |
| ROBERT COLE SPRAGUE | JOSEPH W. UECKER |
| SANDRA WILLIAMS | |

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 **Am. S. B. No. 40**-Senator Kearney, et al., having had the same under consideration, reports it back and recommends its passage.

RE: COMPLEX REGIONAL PAIN SYNDROME - AWARENESS MONTH - NOVEMBER/SPREAD INFORMATION ABOUT

Representative Wachtmann moved to amend the title as follows:

Add the names: "Representatives Goodwin, Fende, Antonio, Barnes, Carney, Gardner, Garland, Hackett, Hagan, R., Hill, Hottinger, Johnson, Ramos, Yuko."

- | | |
|---------------------|------------------|
| LYNN R. WACHTMANN | BRUCE W. GOODWIN |
| LORRAINE M. FENDE | NICKIE ANTONIO |
| JOHN BARNES | BARBARA BOYD |
| JOHN PATRICK CARNEY | MIKE DUFFEY |
| RANDY GARDNER | NANCY GARLAND |
| ANNE GONZALES | ROBERT HACKETT |
| ROBERT F. HAGAN | BRIAN HILL |
| JAY HOTTINGER | TERRY JOHNSON |
| DOROTHY PELANDA | DAN RAMOS |
| KIRK SCHURING | KENNY YUKO |

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 **Sub. S. B. No. 83**-Senator Oelslager, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: ADVANCE PRACTICE NURSES - MODIFY AUTHORITY TO PRESCRIBE DRUGS

Representative Wachtmann moved to amend the title as follows:

Add the names: "Representatives Goodwin, Fende, Antonio, Barnes, Gardner, Garland, Hackett, Hagan, R., Hill, Ramos, Yuko."

LYNN R. WACHTMANN	BRUCE W. GOODWIN
LORRAINE M. FENDE	NICKIE ANTONIO
JOHN BARNES	BARBARA BOYD
JOHN PATRICK CARNEY	MIKE DUFFEY
RANDY GARDNER	NANCY GARLAND
ANNE GONZALES	ROBERT HACKETT
ROBERT F. HAGAN	BRIAN HILL
JAY HOTTINGER	TERRY JOHNSON
DOROTHY PELANDA	DAN RAMOS
KIRK SCHURING	KENNY YUKO

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

Representative Blessing moved that the following resolution be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

H. R. No. 258-Speaker Batchelder.

Relative to the election of Nicholas J. Celebrezze to fill the vacancy in the membership of the House of Representatives created by the resignation of Timothy DeGeeter of the 15th House District.

WHEREAS, Section 11 of Article II, Ohio Constitution provides for the filling of a vacancy in the membership of the House of Representatives by

election by the members of the House of Representatives who are affiliated with the same political party as the person last elected to the seat which has become vacant; and

WHEREAS, Timothy DeGeeter of the 15th House District has resigned as a member of the House of Representatives of the 129th General Assembly effective December 31, 2011, thus creating a vacancy in the House of Representatives; therefore be it

RESOLVED, By the members of the House of Representatives who are affiliated with the Democrat party that Nicholas J. Celebrezze, Democrat, having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the House of Representatives from the 15th House District, is hereby elected, effective January 25, 2012, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the House of Representatives from the 15th House District, to fill the vacancy created by the unexpired portion of the term of said Timothy DeGeeter, ending on December 31, 2012; and be it further

RESOLVED, That a copy of this resolution be spread upon the pages of the Journal of the House of Representatives together with the yeas and nays of the members of the House of Representatives affiliated with the Democrat party voting on the resolution, and that the Clerk of the House of Representatives shall certify the resolution and vote on its adoption to the Secretary of State.

The yeas and nays were taken and resulted - yeas 38, nays 0, as follows:

Those who voted in the affirmative were: Representatives

- | | | | |
|-----------|----------|------------|-----------|
| Antonio | Ashford | Barnes | Boyd |
| Budish | Carney | Celeste | Cera |
| Clyde | Driehaus | Fedor | Fende |
| Foley | Garland | Gerberry | Goyal |
| Hagan, R. | Heard | Letson | Luckie |
| Lundy | Mallory | Milkovich | Murray |
| O'Brien | Okey | Patmon | Phillips |
| Pillich | Ramos | Slesnick | Stinziano |
| Sykes | Szollosi | Weddington | Williams |
| Winburn | | | Yuko-38. |

The resolution was adopted.

Mr. Celebrezze was escorted to the bar of the House by Representatives Budish, Heard, Phillips, Foley, Antonio, Dovilla, Anielski, Baker, and J. Adams took the oath of office administered by The Honorable James Celebrezze of the Common Pleas Court in Cuyahoga County, and entered upon the discharge of his duties.

I, Nicholas J. Celebrezze, do solemnly swear to support the Constitution of the United States and the Constitution of the State of Ohio, and faithfully to discharge and perform all duties incumbent upon me as a member of the Ohio House of Representatives, according to the best of my ability and understanding; and this I do as I shall answer unto God.

/s/ NICHOLAS J. CELEBREZZE
Nicholas J. Celebrezze

Sworn to and subscribed before me this 25th day of January, 2012.

/s/ JAMES CELEBREZZE
James Celebrezze
Judge
Common Pleas Court
Cuyahoga County, Ohio

Representative Adams, J. moved that majority party members asking leave to be absent or absent the week of Tuesday, January 24, 2012, 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, January 24, 2012, 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

Am. H. B. No. 380-Representative Blessing.

Cosponsors: Representatives Slaby, Hackett, McGregor, Adams, J.

To enact sections 2307.951, 2307.952, 2307.953, and 2307.954 of the Revised Code to require claimants in asbestos tort actions to make certain disclosures pertaining to asbestos trust claims that have been submitted to asbestos trust entities for the purpose of compensating the claimant for asbestos exposure, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Blessing moved to amend as follows:

In line 134, delete " not"

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

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	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boose
Boyd	Brenner	Bubp	Buchy
Budish	Butler	Carney	Celebrezze
Celeste	Cera	Clyde	Combs
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Duffey	Fedor
Fende	Foley	Gardner	Garland
Gerberry	Gonzales	Goodwin	Goyal
Grossman	Hackett	Hagan, C.	Hagan, R.
Hall	Hayes	Heard	Henne
Hill	Hottinger	Huffman	Johnson
Kozlowski	Landis	Letson	Luckie
Lundy	Maag	Mallory	Martin
McClain	McGregor	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	Weddington
Williams	Winburn	Yuko	Batchelder-96.

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 55, nays 41, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Blair	Blessing
Boose	Brenner	Bubp	Buchy
Butler	Combs	Conditt	Damschroder
DeVitis	Derickson	Dovilla	Duffey
Gardner	Gonzales	Goodwin	Grossman
Hackett	Hagan, C.	Hall	Hayes
Henne	Hill	Hottinger	Huffman
Johnson	Kozlowski	Landis	Maag
Martin	McClain	McGregor	Newbold
Pelanda	Peterson	Roegner	Rosenberger
Ruhl	Schuring	Sears	Slaby
Sprague	Stautberg	Terhar	Thompson
Uecker	Wachtmann		Batchelder-55.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Boyd
Budish	Carney	Celebrezze	Celeste
Cera	Clyde	Driehaus	Fedor
Fende	Foley	Garland	Gerberry
Goyal	Hagan, R.	Heard	Letson
Luckie	Lundy	Mallory	Milkovich
Murray	O'Brien	Okey	Patmon
Phillips	Pillich	Ramos	Reece
Slesnick	Stebelton	Stinziano	Sykes
Szollosi	Weddington	Williams	Winburn
			Yuko-41.

The bill passed.

Representative Blessing moved to amend the title as follows:

Add the names: "Amstutz, Buchy, Wachtmann, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

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:

Am. Sub. S. B. No. 179 -Senator Wilson

Cosponsors: Senators Sawyer, Tavares, Kearney, Schaffer, Coley, Eklund, Faber, Gentile, Hite, Hughes, Manning, Obhof, Patton, Seitz, Turner, Wagoner

To amend sections 1505.11, 4519.03, and 5533.941 and to enact sections 1505.12, 1505.13, and 4503.515 of the Revised Code to create the "Ohio Geology" license plate, to require the Ohio Geology Advisory Council to establish and administer a grant program utilizing the contributions that are paid by persons who obtain the license plate, to eliminate the provision in the Special Vehicle Law that permits owners of certain off-highway motorcycles and all-purpose vehicles to register the motorcycles and vehicles by presenting affidavits of ownership rather than certificates of title, and to relocate the portion of State Route 170 designated as the "Cpl. Kenneth Tyler Butler Memorial Highway".

Attest:

Vincent L. Keeran,
Clerk.

Said bill was considered the first time.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the adoption of the following joint resolution:

H. J. R. No. 4 -Speaker Batchelder

Cosponsors: Senators Bacon, Burke, Coley, Faber, Hite, Jones, Lehner, Manning, Tavares

Authorizing a joint session of the Ohio General Assembly to meet at the Wells Academy in Steubenville, Ohio, for the purpose of receiving a message from the Governor and calling for a committee to wait upon the Governor in anticipation of his State of the State Address.

Attest:

Vincent L. Keeran,
Clerk.

Message from the Speaker

The Speaker of the House of Representatives, on January 24, 2012, signed the following:

Sub. H. B. No. 48 - Representatives Mecklenborg, Carney - et al.

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

On motion of Representative Blessing, the House recessed.

The House met pursuant to recess.

On motion of Representative Sears, the House adjourned until Thursday, January 26, 2012 at 9:00 o'clock a.m.

Attest:

THOMAS L. SHERMAN,
Deputy Clerk.