

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

FRIDAY, OCTOBER 21, 2011

## NINETY-FOURTH DAY

Hall of the House of Representatives, Columbus, Ohio  
**Friday, October 21, 2011, 2:00 o'clock p.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 yesterday was read and approved.

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

Molly Mottram, a guest of Representative C. Hagan-50th district.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 350**-Representatives Hackett, Grossman.

Cosponsors: Representatives Roegner, Derickson, Brenner, Maag, Gonzales, Combs, Yuko, Antonio.

To amend sections 1517.11, 1531.26, 5101.98, and 5747.113 and to enact section 5502.23 of the Revised Code to allow taxpayers to make contributions to the American Red Cross Ohio Disaster Response Readiness and Preparedness Fund through their income tax returns.

**H. B. No. 351**-Representatives Antonio, Fedor.

Cosponsors: Representatives Foley, Driehaus, Reece, Hagan, R., Phillips, Heard.

To enact sections 1509.031, 1509.063, 1509.064, 1509.191, 1509.192, 1509.227, and 6111.70 of the Revised Code to establish requirements governing well stimulation, brine disposal, and water that is used in the drilling and operation of oil and gas wells, including a requirement that oil and gas permittees pay a seven per cent overriding royalty for each well that is stimulated.

**H. B. No. 352**-Representative Phillips.

Cosponsors: Representatives Antonio, Ashford, Garland, Letson, Murray, O'Brien, Ramos, Szollosi, Fedor, Goyal.

To amend section 1531.99 and to enact section 1531.40 of the Revised Code to prohibit the future acquisition of a dangerous exotic animal, to require a person owning a dangerous exotic animal on the act's effective date to register it with the Division of Wildlife, and to declare an emergency.

**H. B. No. 353-Representative Sears.**

Cosponsors: Representatives Carey, Combs, Derickson, Gonzales, Grossman, Hackett, Hollington, McGregor, Murray, Newbold, Peterson, Stebelton, Thompson.

To amend sections 3727.35, 3727.36, 3727.37, 3727.38, 3727.39, 3727.40, 3727.41, and 3727.45 and to repeal sections 3727.31, 3727.311, 3727.312, 3727.313, 3727.32, 3727.321, 3727.33, and 3727.331 of the Revised Code to repeal certain hospital performance reporting requirements.

Said bills were considered the first time.

**MOTIONS AND RESOLUTIONS**

Representative Blessing moved that the following resolutions be read by title only and brought up for immediate adoption:

**H.R. No. 194 - Representative Stinziano**

Honoring Wayne Webb on being inducted into the 2011 United States Bowling Congress Hall of Fame.

**H.R. No. 196 - Representative Szollosi**

Honoring the Oregon Thunder girls basketball team as the 2011 AYBT National Champion.

**H.R. No. 197 - Representatives Conditt, Combs, Derickson, Maag**

Honoring Sean Maloney as the 2010 NRA-ILA Jay M. Littlefield Volunteer of the Year.

**H.R. No. 199 - Representatives O'Brien, Gerberry**

Honoring WYTV as a 2011 Regional Edward R. Murrow Award recipient.

**H.R. No. 201 - Representative Peterson**

Honoring Julia Shappert as the 2011 Miss Ohio American Teen

**H.R. No. 203 - Speaker Batchelder, Maag**

In memory of Carl Lindner, Jr.

**H.C.R. No. 25 - Speaker Batchelder**

Honoring the Ohio Statehouse on the memorable occasion of its Sesquicentennial.

The motion was agreed to without objection.

The resolutions were adopted.

Representative Adams, J. moved that majority party members asking leave to be absent or absent the week of Friday, October 21, 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 Friday, October 21, 2011, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

Representative Blessing moved that the following resolution be brought up for immediate adoption, read in full, 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. 202**-Speaker Batchelder, Representatives Budish, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blair, Blessing, Boose, Boyd, Brenner, Bulp, Buchy, 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, Lehner, 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, Weddington, Williams, Winburn, Young, Yuko.

In memory of Monsignor Kenneth Grimes.

WHEREAS, The members of the House of Representatives of the 129th General Assembly of Ohio were deeply saddened to learn of the death of Monsignor Kenneth Grimes and extend our heartfelt condolences to his family and friends; and

WHEREAS, Kenneth Grimes left an indelible impression on the people whose lives he touched, and he will be remembered as a spirited individual who contributed immeasurably to the world around him. Answering his calling to become a priest, he was ordained in 1957, and he faithfully served in many churches with the Catholic Diocese of Columbus. In 1992, he was elevated to the title of monsignor by Pope John II, and he also received the 2010 inaugural award that was named after him for his service as a teacher and principal at Bishop Watterson High School; and

WHEREAS, Kenneth Grimes' regard for improving the quality of life in our society was clearly evident in his numerous efforts, and he will be remembered for his generosity, talents, and seemingly inexhaustible energy. In addition, he served at several schools and as the school superintendent for the Diocese of Columbus, and he was the chaplain for the Ohio House of Representatives for twenty-two years. He displayed exceptional concern in all of his endeavors, his absence will be keenly felt; and

WHEREAS, Intense sorrow is virtually inescapable when someone we care for dies, and our anguish is a measure of our enduring affection for the departed. How fortunate we are that mourners can find respite from their desolation by recalling happier times and circumstances and that we have that capacity for resilience, for there is welcome serenity in our gratitude for the blessed pleasure, however temporary, of each other's company; therefore be it

RESOLVED, That we, the members of the House of Representatives of the 129th General Assembly of Ohio, in adopting this Resolution, express a profound sense of loss and sincere regret at the death of Monsignor Kenneth Grimes; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit a duly authenticated copy of this Resolution to the family of Monsignor Kenneth Grimes.

The resolution was adopted.

Representative Blessing moved that the following resolution be brought up for immediate adoption, read in full, 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. 204**—Speaker Batchelder, Representatives Budish, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blair, Blessing, Boose, Boyd, Brenner, Bulp, Buchy, 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, Lehner, 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, Weddington, Williams, Winburn, Young, Yuko.

In memory of Samuel T. Britton.

WHEREAS, The members of the House of Representatives of the 129th General Assembly of Ohio were deeply saddened to learn of the death of Samuel T. Britton and extend our heartfelt condolences to his family and friends; and

WHEREAS, Sam Britton's zealous love of life and his selfless concern for the welfare of others distinguished him as an outstanding human being and as a leading citizen. Serving in the Ohio House of Representatives for eight years, he was a member of the Financial Institutions, Insurance, Economic Development and Small Business, Ways and Means, Housing and Urban Affairs, Transportation and Public Safety, and Public Utilities committees, and he was a

dedicated and devoted public servant whose exemplary political career is an inspiration for others; and

WHEREAS, A man of exceptional concern and initiative, Sam Britton also achieved a praiseworthy record of service as a real estate broker, and he was active with the Ohio Association of Realtors, the Cincinnati Area Board of Realtors, the Madisonville Community Council, Gothic Lodge 122, the Cincinnati Community Development Board, the NAACP, and the Black Male Coalition. His untiring efforts earned him respect and esteem of many; and

WHEREAS, Sam Britton will long be remembered for his kindness and his unwavering commitment to service. He led a remarkable life, manifesting those virtues we all seek to emulate, and his generosity, talents, and seemingly inexhaustible energy are a pleasure to recall; therefore be it

RESOLVED, That we, the members of the House of Representatives of the 129th General Assembly of Ohio, in adopting this Resolution, mourn the loss and salute the memory of a truly unique individual, Samuel T. Britton; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit a duly authenticated copy of this Resolution to the family of Samuel T. Britton.

The resolution was adopted.

On motion of Representative Blessing, the House recessed.

The House met pursuant to recess.

#### 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. 318** -Representatives Blessing, O'Brien  
Cosponsors: Representatives Amstutz, Anielski, Baker, Beck, Blair, Boose, Bubb, Buchy, Combs, Conditt, Grossman, Hackett, Hayes, Henne, Hill, Hollington, Huffman, Maag, McClain, Newbold, Pelanda, Roegner, Ruhl, Sears, Slaby, Sprague, Stautberg, Stebelton, Terhar, Thompson, Uecker, Wachtmann, Young, Speaker Batchelder Senator Coley

To amend section 3513.121 of the Revised Code to revise the process for becoming a candidate for nomination for the office of President of the United States, to establish a separate primary election on June 12, 2012, for nominating candidates for the offices of President and Vice-President of the United States, candidates for the office of member of the United States House of Representatives, candidates for at-large delegate and alternate to the national convention of a major political party, and candidates for district

delegate and alternate to the national convention of a major political party, to eliminate the August special election in 2012, to permit political subdivisions and taxing authorities to conduct a special election on the day of the June 12, 2012, primary election, and to make an appropriation.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

Vincent L. Keeran,  
Clerk.

Pursuant to Joint Rule 16, Representative Blessing moved that the Senate amendments to **Sub. H. B. No. 318**-Representatives Blessing, O'Brien, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Sub. H. B. No. 318**-Representatives Blessing, O'Brien, et al., were taken up for consideration.

**Sub. H. B. No. 318**-Representatives Blessing, O'Brien.

Cosponsors: Representatives Amstutz, Anielski, Baker, Beck, Blair, Boose, Bubp, Buchy, Combs, Conditt, Grossman, Hackett, Hayes, Henne, Hill, Hollington, Huffman, Maag, McClain, Newbold, Pelanda, Roegner, Ruhl, Sears, Slaby, Sprague, Stautberg, Stebelton, Terhar, Thompson, Uecker, Wachtmann, Young, Speaker Batchelder. Senator Coley.

To amend section 3513.121 of the Revised Code to revise the process for becoming a candidate for nomination for the office of President of the United States, to establish a separate primary election on June 12, 2012, for nominating candidates for the offices of President and Vice-President of the United States, candidates for the office of member of the United States House of Representatives, candidates for at-large delegate and alternate to the national convention of a major political party, and candidates for district delegate and alternate to the national convention of a major political party, to eliminate the August special election in 2012, to permit political subdivisions and taxing authorities to conduct a special election on the day of the June 12, 2012, primary election, and to make an appropriation.

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

The yeas and nays were taken and resulted - yeas 55, nays 37, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Blair	Blessing
Boose	Brenner	Bubp	Buchy
Carey	Combs	Conditt	Derickson

Dovilla	Duffey	Gardner	Gonzales
Grossman	Hackett	Hagan, C.	Hall
Hayes	Henne	Hill	Hollington
Hottinger	Huffman	Johnson	Kozlowski
Landis	Maag	McClain	McGregor
McKenney	Newbold	Pelanda	Peterson
Roegner	Rosenberger	Ruhl	Schuring
Sears	Slaby	Sprague	Stautberg
Stebelton	Terhar	Thompson	Uecker
Wachtmann	Young		Batchelder-55.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Budish
Butler	Celeste	Clyde	Damschroder
DeGeeter	Driehaus	Fedor	Fende
Foley	Garland	Gentile	Gerberry
Goodwin	Goyal	Hagan, R.	Heard
Letson	Lundy	Mallory	Martin
Milkovich	Murray	O'Brien	Okey
Patmon	Phillips	Pillich	Ramos
Reece	Slesnick	Stinziano	Williams
			Winburn-37.

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 concurred in the passage of the following bill:

**Am. H. B. No. 63** -Representatives Young, Slaby  
 Cosponsors: Representatives Adams, J., Thompson, Huffman, Hayes, Roegner, Henne, Brenner, Maag, Boose, Blessing, Wachtmann, Ruhl, Gardner, Grossman, Hackett, Martin, Kozlowski, Dovilla, Stebelton, Newbold, Derickson, Stautberg, Hottinger, Hall, Goodwin, Blair, Combs, McKenney, Bubp, Uecker, Burke, Balderson, Amstutz, Buchy, Beck, Adams, R., McClain, Rosenberger, Johnson, Mecklenborg, Schuring, Sears, Butler, Carey, Coley, Gonzales, Young, Speaker Batchelder

To amend section 2919.121 of the Revised Code to revise the procedures governing a hearing by which a court may permit a pregnant minor to consent to an abortion or by which a court may give judicial consent for a pregnant minor to have an abortion and to require a court to make its findings with respect to such a hearing by clear and convincing evidence.

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

In line 35, strike through the comma and insert " or"

In line 36, after "settlement" strike through the balance of the line

Strike through line 37

In line 38, strike through everything before the period

Attest:

Vincent L. Keeran,  
Clerk.

Pursuant to Joint Rule 16, Representative Batchelder moved that the Senate amendments to **Am. H. B. No. 63**-Representatives Young, Slaby, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Am. H. B. No. 63**-Representatives Young, Slaby, et al., were taken up for consideration.

**Am. H. B. No. 63**-Representatives Young, Slaby.

Cosponsors: Representatives Adams, J., Thompson, Huffman, Hayes, Roegner, Henne, Brenner, Maag, Boose, Blessing, Wachtmann, Ruhl, Gardner, Grossman, Hackett, Martin, Kozlowski, Dovilla, Stebelton, Newbold, Derickson, Stautberg, Hottinger, Hall, Goodwin, Blair, Combs, McKenney, Bubp, Uecker, Burke, Balderson, Amstutz, Buchy, Beck, Adams, R., McClain, Rosenberger, Johnson, Mecklenborg, Schuring, Sears, Butler, Carey, Coley, Gonzales, Young, Speaker Batchelder. Senators Faber, Bacon, Balderson, Coley, Daniels, Hite, Jones, Jordan, Manning, Obhof, Oelslager, Patton, Schaffer, Seitz, Wagoner, Widener, Wilson.

To amend section 2919.121 of the Revised Code to revise the procedures governing a hearing by which a court may permit a pregnant minor to consent to an abortion or by which a court may give judicial consent for a pregnant minor to have an abortion and to require a court to make its findings with respect to such a hearing by clear and convincing evidence.

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

The yeas and nays were taken and resulted - yeas 62, nays 29, 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	Carey	Combs	Conditt
Damschroder	DeGeeter	Derickson	Dovilla
Driehaus	Fende	Gardner	Gonzales
Goodwin	Grossman	Hackett	Hagan, C.
Hall	Hayes	Henne	Hill

Hottinger	Huffman	Johnson	Kozlowski
Landis	Lundy	Maag	Martin
McClain	McGregor	McKenney	Newbold
Patmon	Pelanda	Peterson	Roegner
Rosenberger	Ruhl	Schuring	Sears
Slaby	Sprague	Stautberg	Stebelton
Terhar	Thompson	Uecker	Wachtmann
Young			Batchelder-62.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Budish
Celeste	Clyde	Duffey	Fedor
Foley	Garland	Gentile	Gerberry
Goyal	Hagan, R.	Heard	Hollington
Letson	Mallory	Milkovich	Murray
O'Brien	Phillips	Pillich	Ramos
Reece	Slesnick	Stinziano	Williams
			Winburn-29.

The Senate amendments were concurred in.

On motion of Representative Blessing, the House adjourned until Wednesday, October 26, 2011 at 9:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.