

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, JANUARY 14, 2014

ONE HUNDRED TENTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, January 14, 2014, 9:00 o'clock a.m.**

The House met pursuant to adjournment.

Pursuant to House Rule No. 23, the Clerk called the House to order.

Representative Pelanda was selected to preside under the Rule.

The journal of the previous legislative day was read and approved.

### INTRODUCTION OF BILLS

The following bills were introduced:

**H. B. No. 401**-Representatives Hagan, R., Mallory.

Cosponsors: Representatives Cera, Buchy, Gerberry, Wachtmann, Foley, Boyd, Ramos, Thompson, Damschroder, Blair, Grossman, Brenner, Winburn, Terhar, Heard, Duffey, Budish, Reece, Strahorn, McGregor, Smith, Derickson, Antonio, Johnson, Barborak, Bishoff, Pillich, Ruhl, Slesnick, Hackett, Boyce, Stautberg, Becker, Young, Carney, Lundy, Hood.

To enact section 5533.242 of the Revised Code to designate a portion of Interstate Route 75 in Hamilton County as the "William L. Mallory, Sr. Memorial Highway."

**H. B. No. 402**-Representatives Duffey, Landis.

To amend section 5703.05 and to enact section 5703.77 of the Revised Code to require the Tax Commissioner to notify taxpayers of tax or fee overpayments, to authorize the Commissioner to either apply an overpayment to future tax liabilities or issue a refund, and to make an appropriation.

Said bills were considered the first time.

### 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, House Joint Resolution, and

Senate Bills be considered for the second time and referred to the following committees for consideration:

**H.B. No. 379** – Representatives Blessing and Landis  
TO PROVIDE CIVIL IMMUNITY FOR ARCHITECTS, ENGINEERS,  
AND SURVEYORS PROVIDING SERVICES DURING A DECLARED  
EMERGENCY.

To the committee on Commerce, Labor and Technology

**H.B. No. 380** – Representatives Boose and Gerberry  
TO REQUIRE THE DIRECTOR OF BUDGET AND MANAGEMENT TO  
TRANSFER CASH FROM THE GENERAL REVENUE FUND TO THE  
LOCAL GOVERNMENT FUND AND TO MAKE AN APPROPRIATION.

To the committee on Finance and Appropriations

**H.B. No. 381** – Representative Sears  
TO REQUIRE A RETAIL TERMINAL DISTRIBUTOR OF DANGEROUS  
DRUGS TO VERIFY IDENTIFICATION WHEN DISPENSING A  
CONTROLLED SUBSTANCE OR TRAMADOL.

To the committee on Health and Aging

**H.B. No. 382** – Representatives Duffey and Bishoff  
TO REVISE THE PROCEDURES AND PENALTIES GOVERNING THE  
NONCONSENSUAL TOWING OF MOTOR VEHICLES AND TO  
REQUIRE THE PUBLIC UTILITIES COMMISSION TO ADOPT  
CERTAIN RULES REGARDING A FOR-HIRE MOTOR CARRIER  
ENGAGED IN THE TOWING OF MOTOR VEHICLES.

To the committee on Commerce, Labor and Technology

**H.B. No. 383** – Representative Grossman  
TO AUTHORIZED THE PROSECUTING ATTORNEY OF A COUNTY OR  
CHIEF LEGAL OFFICER OF A MUNICIPAL CORPORATION TO ISSUE  
AN INVESTIGATIVE SUBPOENA FOR ANY CRIMINAL OFFENSE.

To the committee on Judiciary

**H.B. No. 384** – Representatives Antonio and Smith  
TO DECREASE THE MINIMUM AGE OF THE PATIENTS FOR WHOM  
A PHARMACIST MAY ADMINISTER CERTAIN IMMUNIZATIONS.

To the committee on Health and Aging

**H.B. No. 385** – Representative Antonio and Ramos  
TO ABOLISH THE DEATH PENALTY.

To the committee on Judiciary

**H.B. No. 386** – Representative Burkley

TO EXPAND THE WORK-RELATED EXPENSES THAT MAY BE PAID FOR BY USE OF A CREDIT CARD HELD BY A BOARD OF COUNTY COMMISSIONERS OR THE OFFICE OF ANOTHER COUNTY APPOINTING AUTHORITY.

To the committee on State and Local Government

**H.B. No. 387** – Representatives Hood and Lynch

TO ALLOW A PERSON WHO HAS A CONCEALED HANDGUN LICENSE TO CARRY CONCEALED ALL FIREARMS OTHER THAN DANGEROUS ORDNANCE OR FIREARMS THAT STATE OR FEDERAL LAW PROHIBITS THE PERSON FROM POSSESSING; TO PROVIDE THAT A PERSON 21 YEARS OF AGE OR OLDER AND NOT LEGALLY PROHIBITED FROM POSSESSING OR RECEIVING A FIREARM BY FEDERAL LAW DOES NOT NEED A CONCEALED HANDGUN LICENSE IN ORDER TO CARRY OR HAVE CONCEALED ON THE PERSON'S PERSON OR READY AT HAND A FIREARM AND IS SUBJECT TO THE SAME LAWS REGARDING CARRYING A CONCEALED FIREARM AS A PERSON WHO HAS A CONCEALED HANDGUN LICENSE; AND TO AMEND THE VERSIONS OF SECTIONS 2923.124 AND 2923.126 OF THE REVISED CODE THAT ARE SCHEDULED TO TAKE EFFECT ON JANUARY 1, 2014, TO CONTINUE THE PROVISIONS OF THIS ACT ON AND AFTER THAT EFFECTIVE DATE.

To the committee on Policy and Legislative Oversight

**H.B. No. 388** – Representative Budish

TO DESIGNATE A PORTION OF UNITED STATES ROUTE 20 AND CERTAIN STREETS IN PAINESVILLE AS THE “JAMES A. GARFIELD STATE HISTORIC CORRIDOR.”

To the committee on Transportation, Public Safety and Homeland Security

**H.B. No. 389** – Representative Phillips

TO DESIGNATE THE PORTION OF UNITED STATES ROUTE 33 KNOWN AS THE NELSONVILLE BYPASS IN HOCKING COUNTY AND ATHENS COUNTY THE “GOVERNOR TED STRICKLAND HIGHWAY.”

To the committee on Transportation, Public Safety and Homeland Security

**H.B. No. 390** – Representatives Brenner and Young

TO AUTHORIZE NONREFUNDABLE TAX CREDITS FOR DONATIONS TO FREE CLINICS.

To the committee on Ways and Means

**H.B. No. 391** – Representative Ramos

TO ALLOW BEER MANUFACTURERS TO MANUFACTURE BEER CONTAINING NOT MORE THAN 21% OF ALCOHOL BY VOLUME BEGINNING ON THE EFFECTIVE DATE OF THIS ACT, AND, BEGINNING ONE YEAR AFTER THE EFFECTIVE DATE OF THIS ACT,

TO ALLOW THE SALE AND DISTRIBUTION OF BEER CONTAINING NOT MORE THAN 21% OF ALCOHOL BY VOLUME IN THIS STATE BY INCREASING THE LEGALLY PERMITTED ALCOHOL CONTENT OF BEER FROM 12% TO 21% AND TO GENERALLY PROHIBIT THE INCLUSION OF CAFFEINE OR OTHER STIMULANTS IN BEER CONTAINING MORE THAN 12% OF ALCOHOL BY VOLUME.

To the committee on Policy and Legislative Oversight

**H.B. No. 392** – Representatives Stinziano and Rosenberger  
TO PROVIDE PERSONS UNDER 21 YEARS OF AGE WITH A QUALIFIED IMMUNITY FROM PROSECUTION FOR OFFENSES INVOLVING UNDERAGE ALCOHOL POSSESSION OR CONSUMPTION IF LAW ENFORCEMENT PERSONNEL BECOME AWARE OF THE OFFENSE SOLELY BECAUSE THE PERSON SOUGHT OR OBTAINED MEDICAL ASSISTANCE, SOLELY BECAUSE ANOTHER INDIVIDUAL SOUGHT OR OBTAINED MEDICAL ASSISTANCE FOR THE PERSON, OR BECAUSE THE PERSON REQUESTED LAW ENFORCEMENT ASSISTANCE TO REPORT A CRIMINAL OFFENSE, PREVENT A POSSIBLE CRIMINAL OFFENSE, OR REQUEST THE INVESTIGATION OF A CRIMINAL OFFENSE.

To the committee on Judiciary

**H.B. No. 393** – Representatives Baker and Landis  
TO REQUIRE PUBLIC HIGH SCHOOLS TO PUBLISH ANNUALLY A CAREER DECISION GUIDE IN ITS NEWSLETTER OR ON ITS WEB SITE.

To the committee on Education

**H.B. No. 394** – Representatives Smith and Antonio  
REGARDING THE AUTHORITY OF PHARMACISTS AND PHARMACY INTERNS TO ADMINISTER IMMUNIZATIONS.

To the committee on Health and Aging

**H.B. No. 395** – Representative Ramos  
TO REQUIRE THE DIRECTOR OF JOB AND FAMILY SERVICES TO REQUEST A FEDERAL WAIVER OF TIME LIMITS FOR CERTAIN SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM RECIPIENTS.

To the committee on Health and Aging

**H.B. No. 396** – Representative Becker  
TO ALLOW MARRIED COUPLES TO ELECT TO FILE EITHER SEPARATE STATE TAX RETURNS OR A JOINT STATE RETURN, IRRESPECTIVE OF THEIR FEDERAL FILING STATUS, AND TO DECLARE AN EMERGENCY.

To the committee on Ways and Means

**H.B. No. 397** – Representative Hill  
TO INCREASE THE PENALTY FOR VIOLATIONS OF FAILURE TO STOP AFTER AN ACCIDENT AND FAILURE TO STOP AFTER A NONPUBLIC ROAD ACCIDENT THAT RESULT IN THE DEATH OF A

PERSON OR SERIOUS PHYSICAL HARM TO A PERSON.

To the committee on Judiciary

**H.B. No. 398** – Representative Sears

TO CREATE THE VETERANS AND MEDICAID ELIGIBILITY STUDY COMMITTEE AND THE HEALTH CARE ACCESS AND INNOVATION STUDY COMMITTEE.

To the committee on Health and Aging

**H.B. No. 399** – Representatives Sheehy and Sprague

TO DESIGNATE THE FIRST FRIDAY OF MAY AS “PRESCRIPTION DRUG ABUSE AWARENESS AND EDUCATION DAY.”

To the committee on Health and Aging

**H.B. No. 400** – Representatives Carney and Cera

TO REQUIRE THE OWNER OF AN OIL OR GAS WELL TO PROVIDE A ROYALTY STATEMENT TO THE HOLDER OF THE ROYALTY INTEREST WHEN THE OWNER MAKES PAYMENT TO THE HOLDER.

To the committee on Agriculture and Natural Resources

**H.J.R. No. 9** – Representatives Kunze and Brown

PROPOSING TO ENACT SECTION 2S OF ARTICLE VIII OF THE CONSTITUTION OF THE STATE OF OHIO TO PERMIT THE ISSUANCE OF ADDITIONAL GENERAL OBLIGATION BONDS TO FUND PUBLIC INFRASTRUCTURE CAPITAL IMPROVEMENTS.

To the committee on Finance and Appropriations

**S.B. No. 103** – Senator Skindell

TO DESIGNATE A PORTION OF STATE ROUTE 2 IN CUYAHOGA COUNTY AS THE “GOVERNOR RICHARD F. CELESTE SHOREWAY.”

To the committee on Transportation, Public Safety and Homeland Security

**Sub. S.B. No. 152** – Senator Lehner

TO PERMIT A COURT TO GRANT A MOTION FOR PERMANENT CUSTODY OF A CHILD TO A MOVANT IF THE CHILD OR ANOTHER CHILD IN THE CUSTODY OF THE PARENT HAS BEEN ADJUDICATED AN ABUSED, NEGLECTED, OR DEPENDENT CHILD ON THREE SEPARATE OCCASIONS, TO REQUIRE THE GUARDIAN AD LITEM FOR AN ALLEGED OR ADJUDICATED ABUSED, NEGLECTED, OR DEPENDENT CHILD TO FILE ANY MOTIONS AND OTHER COURT PAPERS IN ACCORDANCE WITH RULES ADOPTED BY THE SUPREME COURT, TO REQUIRE COURT APPOINTED SPECIAL ADVOCATES AND GUARDIAN AD LITEMS TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT, TO REQUIRE FOSTER CAREGIVERS TO USE A REASONABLE AND PRUDENT PARENT STANDARD WHEN AUTHORIZING A FOSTER CHILD TO PARTICIPATE IN ACTIVITIES, TO REQUIRE THE DEPARTMENT OF JOB AND FAMILY SERVICES TO ADOPT RULES THAT ESTABLISH POLICIES AND PROCEDURES FOR DETERMINING WHEN A FOSTER CHILD OR AN ALLEGED OR ADJUDICATED ABUSED, NEGLECTED,

OR DEPENDENT CHILD SUBJECT TO OUT-OF-HOME CARE MAY PARTICIPATE IN CERTAIN ACTIVITIES, TO EXEMPT A PUBLIC CHILDREN SERVICES AGENCY, PRIVATE CHILD PLACING AGENCY, OR PRIVATE NONCUSTODIAL AGENCY FROM CIVIL LIABILITY THAT RESULTS FROM A FOSTER CAREGIVER'S OR AGENCY'S DECISIONS USING A REASONABLE AND PRUDENT PARENT STANDARD, TO LIMIT THE CIRCUMSTANCES UNDER WHICH A CHILD IS PLACED INTO A PLANNED PERMANENT LIVING ARRANGEMENT, TO EXTEND THE PERIOD FOR INCENTIVE PAYMENTS UNDER THE KINSHIP PERMANENCY INCENTIVE PROGRAM, AND TO PROVIDE FACTORS FOR A PERSON OR FACILITY TO CONSIDER WHEN DETERMINING IF AN ALLEGED OR ADJUDICATED ABUSED, NEGLECTED, OR DEPENDENT CHILD SUBJECT TO OUT-OF-HOME CARE IS ABLE TO PARTICIPATE IN CERTAIN ACTIVITIES.

To the committee on Policy and Legislative Oversight

**Sub. S.B. No. 154** – Senator Burke

TO MAKE CHANGES TO THE EXAMINATION, REPORTING, AND EDUCATIONAL REQUIREMENTS OF PROFESSIONAL ENGINEERS AND SURVEYORS.

To the committee on Commerce, Labor and Technology

**Am. S.B. No. 161** – Senator Hughes

TO REQUIRE MOTOR VEHICLE HEADLIGHTS TO COMPLY WITH THE HEADLAMP COLOR REQUIREMENTS CONTAINED IN FEDERAL MOTOR VEHICLE SAFETY STANDARD NUMBER 108.

To the committee on Transportation, Public Safety and Homeland Security

**Sub. S.B. No. 172** – Senator Patton

TO MODIFY THE LAWS GOVERNING LAND REUTILIZATION PROGRAMS AND PROPERTY TAX FORECLOSURES.

To the committee on Financial Institutions, Housing and Urban Development

**Sub. S.B. No. 173** – Senator Hughes

TO MODIFY THE LAW GOVERNING TASTING SAMPLES OF BEER AND INTOXICATING LIQUOR.

To the committee on Policy and Legislative Oversight

**Sub. S.B. No. 229** – Senator Gardner

REGARDING TEACHER PERFORMANCE EVALUATIONS.

To the committee on Education

MATT HUFFMAN  
ANDREW BRENNER  
DOROTHY PELANDA  
DEBBIE PHILLIPS

JOHN ADAMS  
JIM BUCHY  
STEPHANIE KUNZE  
DAN RAMOS

Representative Buchy 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, House Joint Resolution, and Senate 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, House Joint Resolution, and Senate 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 Concurrent Resolution be introduced and referred to the following committee for consideration:

**H.C.R. No. 43** – Representatives Boose and Thompson  
TO ESTABLISH A SUSTAINABLE ENERGY-ABUNDANCE PLAN FOR  
OHIO TO MEET FUTURE OHIO ENERGY NEEDS WITH  
AFFORDABLE, ABUNDANT, AND ENVIRONMENTALLY FRIENDLY  
ENERGY.

To the committee on Public Utilities

Add the names: Buchy and Brenner

/s/MATT HUFFMAN  
Matt Huffman, Chair

Representative Buchy moved that the Rules and Reference committee report on resolutions be agreed to and that the House Concurrent Resolution contained therein be introduced and referred as recommended.

The motion was agreed to.

Said House Concurrent Resolution was introduced and referred as recommended.

Representative Phillips reported for the Rules and Reference committee recommending that the following resolutions be read by title only and approved:

**H.R. No. 311** – Representative Buchy  
Honoring the Anna High School FFA as the National FFA Top Chapter in the chapter development category.

**H.R. No. 312** – Representatives Rosenberger and Maag  
Honoring the Clinton-Massie High School football team as the 2013 Division IV State Champion.



**H.R. No. 313** – Representative Wachtmann

Honoring Brittany Atkinson on winning the 2013 Division III State Championship in girls cross country.

**H.R. No. 314** – Representative Butler

Honoring the Oakwood High School boys golf team as the 2013 Division II State Champion.

**H.R. No. 315** – Representative Buchy

Honoring the Coldwater High School football team as the 2013 Division V State Champion.

**H.R. No. 316** – Representatives Scherer and Hood

Honoring Austin Wippel for receiving the 2013 National FFA Crop Production-Entrepreneurship Proficiency Award.

**H.R. No. 317** – Representative Buchy

Honoring Jacob Kunkler as a 2013 All-Ohio Division VII Defensive Player of the Year in football.

/s/MATT HUFFMAN

Matt Huffman, Chair

Representative Buchy 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 SPEAKER**

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following changes to the Health and Aging Committee:

Remove Representative Hood; appoint Representative Sprague.

**MESSAGE FROM THE SPEAKER**

Pursuant to Section 105.41(A)(2) of the Ohio Revised Code, the Speaker hereby appoints the following members to the Capitol Square Review and Advisory Board:

Speaker Batchelder, Representative Slesnick, and Jo Ann Davidson.

**MESSAGE FROM THE SPEAKER**

Pursuant to Section 3702.92(A) of the Ohio Revised Code, the Speaker hereby appoints Representative Gonzales to the Dentist Loan Repayment Advisory Board, effective January 28, 2014.

On motion of Representative Buchy, the House adjourned until Wednesday, January 15, 2014 at 9:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,  
Clerk.