

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

**THURSDAY, JANUARY 23, 2014**

ONE HUNDRED FIFTEENTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Thursday, January 23, 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 Kunze was selected to preside under the Rule.

The journal of yesterday was read and approved.

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

Representative Stinziano submitted the following report:

The standing committee on Judiciary to which was referred **S. B. No. 82**-Senators Balderson, Gentile, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: CORRECTIONAL CENTER-ISSUE SECURITIES FOR COST OF IMPROVING THE CENTER

Representative Pelanda moved to amend as follows:

In line 8, after "section" insert "120.521 be amended and section"

Between lines 9 and 10, insert:

"**Sec. 120.521.** (A) The state public defender shall establish a charitable, tax exempt foundation, named the Ohio legal assistance foundation, to actively solicit and accept gifts, bequests, donations, and contributions for use in providing financial assistance to legal aid societies, enhancing or improving the delivery of civil legal services to indigents, and operating the foundation. The Ohio legal assistance foundation shall deposit all gifts, bequests, donations, and contributions accepted by it into the legal assistance foundation fund established under this section. If the state public defender, pursuant to section 120.52 of the Revised Code as it existed prior to ~~the effective date of this section~~ June 30, 1995, established a charitable, tax exempt foundation named the Ohio legal assistance foundation and if that foundation is in existence on the day before ~~the effective date of this section~~ June 30, 1995, that foundation shall continue in existence and shall serve as the Ohio legal assistance foundation described in this section.

There is hereby established the legal assistance foundation fund, which shall be under the custody and control of the Ohio legal assistance foundation. The fund shall contain all moneys distributed to the Ohio legal assistance foundation pursuant to section 120.53 of the Revised Code and all gifts, bequests, donations, and contributions accepted by the Ohio legal assistance

foundation under this section.

The Ohio legal assistance foundation shall distribute or use all moneys in the legal assistance foundation fund for the charitable public purpose of providing financial assistance to legal aid societies that provide civil legal services to indigents, enhancing or improving the delivery of civil legal services to indigents, and operating the foundation. The Ohio legal assistance foundation shall establish rules governing the administration of the legal assistance foundation fund.

The Ohio legal assistance foundation shall include, in the annual report it is required to make to the governor, the general assembly, and the supreme court pursuant to division (G)(2) of section 120.53 of the Revised Code, an audited financial statement on the distribution and use of the legal assistance foundation fund. No information contained in the statement shall identify or enable the identification of any person served by a legal aid society or in any way breach confidentiality.

Membership on the board of the Ohio legal assistance foundation does not constitute holding another public office and does not constitute grounds for resignation from the senate or house of representatives under section 101.26 of the Revised Code.

(B) A foundation is tax exempt for purposes of this section if the foundation is exempt from federal income taxation under subsection 501(a) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501(a), as amended, and if the foundation has received from the internal revenue service a determination letter that is in effect stating that the foundation is exempt from federal income taxation under that subsection."

After line 138, insert:

"**Section 2.** That existing section 120.521 of the Revised Code is hereby repealed."

In line 1 of the title, after "To" insert "amend section 120.521 and to"; after "to" insert "provide that membership on the board of the Ohio Legal Assistance Foundation by a member of the General Assembly does not constitute holding another public office and to"

The motion was agreed to and the bill so amended.

JIM BUTLER  
MICHAEL STINZIANO  
MARGARET CONDITT  
TOM LETSON  
MIKE FOLEY  
PETER STAUTBERG  
ROLAND WINBURN

DOROTHY PELANDA  
NICHOLAS J. CELEBREZZE  
BILL HAYES  
MATT LYNCH  
MARILYN SLABY  
GERALD L. STEBELTON

The report was agreed to.

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

Representative Stinziano submitted the following report:

The standing committee on Judiciary to which was referred **H. B. No. 309**-Representatives Pelanda, Antonio, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: DOMESTIC VIOLENCE/STALKING/SEX OFFENSE PROTECTION ORDER-NO CHARGE FOR

Representative Butler moved to amend the title as follows:

Add the name: "Stinziano."

- |                   |                        |
|-------------------|------------------------|
| JIM BUTLER        | DOROTHY PELANDA        |
| MICHAEL STINZIANO | NICHOLAS J. CELEBREZZE |
| MARGARET CONDITT  | BILL HAYES             |
| TOM LETSON        | MATT LYNCH             |
| MIKE FOLEY        | MARILYN SLABY          |
| PETER STAUTBERG   | GERALD L. STEBELTON    |
| ROLAND WINBURN    |                        |

The report was agreed to.

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

Representative Stinziano submitted the following report:

The standing committee on Judiciary to which was referred **H. B. No. 162**-Representatives Dovilla, Anielski, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: PUBLIC OFFICIALS-FORFEITURE OF RETIREMENT-EXPAND OFFENSES LEADING TO

- |                   |                        |
|-------------------|------------------------|
| JIM BUTLER        | DOROTHY PELANDA        |
| MICHAEL STINZIANO | NICHOLAS J. CELEBREZZE |
| MARGARET CONDITT  | BILL HAYES             |
| TOM LETSON        | MATT LYNCH             |
| MIKE FOLEY        | MARILYN SLABY          |
| PETER STAUTBERG   | GERALD L. STEBELTON    |
| ROLAND WINBURN    |                        |

The report was agreed to.

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

Message from the Senate

Mr. Speaker:

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

**Sub. S. B. No. 150** -Senators Hite, Peterson

Cosponsors: Senators Coley, Eklund, Hughes, Kearney, Lehner, Manning, Sawyer, Turner, Uecker

To amend sections 903.25, 905.31, 905.32, 905.34, 905.36, 905.39, 905.41, 905.45, 905.46, 905.47, 905.48, 905.49, 905.50, 905.99, 907.111, 1511.01, 1511.02, 1511.021, 1511.07, 1511.071, 1515.01, 1515.02, 1515.08, 3717.53, 6111.03, 6111.04, and 6111.44; to amend for the purpose of adopting a new section number as indicated in parentheses section 905.501 (905.503); and to enact new section 905.501 and sections 905.321, 905.322, 905.323, 905.324, 905.325, 905.502, and 1511.023 of the Revised Code to revise the law governing the abatement of agricultural pollution, to require a person that applies fertilizer for the purposes of agricultural production to be certified to do so by the Director of Agriculture, to make other changes to the Agricultural Additives, Lime, and Fertilizer Law, and to make an appropriation.

**S. B. No. 185** -Senator Faber

Cosponsors: Senators Bacon, Balderson, Brown, Cafaro, Eklund, Hite, Jones, Kearney, Patton, Schiavoni, Seitz, Skindell, Turner, Uecker, Manning, LaRose, Gentile, Beagle, Burke, Coley, Gardner, Hughes, Lehner, Obhof, Oelslager, Peterson, Schaffer, Smith, Tavares, Widener

To enact section 5533.821 of the Revised Code to designate a portion of State Route 67 within Auglaize County as the "Staff Sgt. Sonny Zimmerman Memorial Highway."

**S. B. No. 222** -Senator LaRose

Cosponsors: Senators Manning, Cafaro, Gentile, Turner, Bacon, Balderson, Beagle, Brown, Burke, Coley, Eklund, Faber, Gardner, Hite, Hughes, Jones, Kearney, Lehner, Obhof, Oelslager, Peterson, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Tavares, Uecker, Widener

To enact section 5533.096 of the Revised Code to designate a portion of State Route 8 in the municipal corporation of Stow as the "Second Lieutenant David E. Rylander Memorial Highway."

**S. B. No. 226** -Senator Beagle

Cosponsors: Senators Manning, Gardner, LaRose, Gentile, Bacon, Balderson, Brown, Burke, Coley, Eklund, Faber, Hite, Hughes, Jones, Kearney, Lehner, Obhof, Oelslager, Peterson, Schaffer, Schiavoni, Smith, Tavares, Turner, Uecker, Widener

To enact section 5533.411 of the Revised Code to designate a portion of State Route 41 in Miami County as the "Sheriff's Sgt. Robert "Bobby" Elliott Memorial Highway."

**S. B. No. 230** -Senators Manning, Oelslager

Cosponsors: Senators Jones, Lehner, Patton, Cafaro, Brown, Tavares, Eklund, LaRose, Schiavoni, Seitz, Skindell, Turner

To enact section 4729.43 of the Revised Code to establish standards for the delivery of non-self-injectable cancer drugs.

Attest:

Vincent L. Keeran,  
Clerk.

Said bills were considered the first time.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on January 22, 2014, signed the following:

**S.J.R. No. 6** - Senators Bacon, Manning - et al.

On motion of Representative Duffey, the House adjourned until Tuesday, January 28, 2014 at 9:00 o'clock a.m.

Attest:

KATHRYN E. STEVELINE,  
Journal Clerk.