

OHIO

House

of

Representatives

JOURNAL

THURSDAY, MARCH 21, 2013

TWENTY-FIFTH DAY

Hall of the House of Representatives, Columbus, Ohio
Thursday, March 21, 2013, 1:00 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Matt Zurowski of the Calvary Baptist Church in Marysville, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bill was introduced:

H. B. No. 110-Representative Schuring.

Cosponsors: Representatives Johnson, Patmon, Szollosi, Terhar, Grossman.

To amend section 4501.21 and to enact sections 4503.524, 4503.525, 4503.533, 4503.549, 4503.732, and 4503.90 of the Revised Code to create the "Massillon Tiger Football Booster Club," "Power Squadron," "Combat Action Ribbon or Badge," "Military Sacrifice," "Truth, Justice, and the American Way," and "Nationwide Children's Hospital" license plates.

Said bill was considered the first time.

REPORTS OF CONFERENCE COMMITTEES

Representative McGregor submitted the following report:

The committee of Conference to which the matters of difference between the two houses were referred on Am. Sub. H.B. 51 of the 130th General Assembly, Representatives McGregor, Patmon - et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the Senate with the following amendments:

In line 146, after the fourth comma insert "or" and delete ", or any other"

In line 147, delete "department of transportation facilities"

In line 402, before "bridges" insert "or" and delete "or any other department of transportation facilities."

In line 415, after the fourth comma insert " or" and delete " , or any other"

In line 416, delete " department of transportation facilities"

In line 12807, delete " moneys deposited in the infrastructure fund or funds" and insert " cost of the infrastructure project funding requests submitted by the director of transportation to the commission"

In line 12808, delete " expended on" and insert " for"; delete " any portion of which" and insert " that"

In line 12809, before " located" insert " at least partially"

In line 6616, after " issued" insert " by the department of transportation or a local authority"

In line 6618, delete " terms of" and insert " conditions and limitations specified on"

Delete lines 6619 through 6621 and insert " . Such a permit is voidable by law enforcement only for operation of a vehicle or combination of vehicles in violation of the weight, dimension, or route provisions of the permit. However, a permit is not voidable for operation in violation of a route provision of a permit if the operation is upon the order of a law enforcement officer."

Delete lines 6276 through 6280 and insert:

" (C)(1) The department and local authorities shall erect stop signs at a railroad highway grade crossing in either of the following circumstances:

(a) New warning devices that are not active grade crossing warning devices are being installed at the grade crossing, and railroad crossbucks were the only warning devices at the grade crossing prior to the installation of the new warning devices.

(b) The grade crossing is constructed after the effective date of this amendment and only warning devices that are not active grade crossing warning devices are installed at the grade crossing.

(2) Division (C)(1) of this section does not apply to a railroad highway grade crossing that the director of transportation has exempted from that division because of traffic flow or other considerations or factors."

In line 12589, delete " For" and insert " Except as necessary to comply with covenants in bond proceedings in existence before July 1, 2013, for"

In line 12590, after " of" insert " passenger"

In line 3133, strike through "Notwithstanding" and insert " As part of the selection process in awarding a deputy registrar contract, the registrar shall consider the customer service performance record of any person previously awarded a deputy registrar contract."

Notwithstanding"

In line 5824, after " corporations" insert " as established by the director under division (H)(2) of this section"

In line 5955, after " (H)" insert " (1)"

Between lines 5963 and 5964, insert:

" (2) Whenever the director determines upon the basis of a geometric and traffic characteristic study that the speed limit of fifty-five miles per hour on a two-lane state route outside a municipal corporation is less than is reasonable or safe under the conditions found to exist at that portion of the state route, the director may determine and declare a speed limit of sixty miles per hour for that portion of the state route, which shall be effective when appropriate signs giving notice of it are erected at the location."

In line 82, delete "5747.08,"

In line 83, delete "5747.98,"

In line 85, after "5553.051," insert "and"; delete ", and 5747.053"

Delete lines 15251 through 15639

In line 17128, delete "5747.08,"

In line 17129, delete "5747.98,"

Delete lines 19532 through 19535

Delete lines 19590 and 19591

In line 36 of the title, delete "5747.08, 5747.98"

In line 39 of the title, after "5553.051," insert "and"; delete ", and"

In line 40 of the title, delete "5747.053"

In line 6457, after "The" insert " director of transportation with respect to all highways that are a part of the state highway system and local authorities with respect to highways under their jurisdiction, upon application in writing, shall issue a special regional heavy hauling permit authorizing the applicant to operate or move a vehicle or combination of vehicles as follows:

(a) At a size or weight of vehicle or load exceeding the maximum specified in sections 5577.01 to 5577.09 of the Revised Code, or otherwise not in conformity with sections 4513.01 to 4513.37 of the Revised Code;

(b) Upon any highway under the jurisdiction of the authority granting the permit except those highways with a condition insufficient to bear the weight of the vehicle or combination of vehicles as stated in the application;

(c) For regional trips at distances of one hundred fifty miles or less from a facility stated on the application as the applicant's point of origin.

Issuance of a special regional heavy hauling permit is subject to the payment of a fee established by the director or local authority in accordance with this section.

(2) In circumstances where a person is not eligible to receive a permit under division (A)(1) of this section, the"

In line 6468, delete " (2)" and insert " (3)"

In line 6527, after "The" insert " director or a local authority shall issue a special regional heavy hauling permit under division (A)(1) of this section upon application and payment of the applicable fee. However, the"; after "a" insert " special"

In line 6528, after "permit" insert " specified in division (A)(2) of this section"

Between lines 10711 and 10712, insert:

" (E) The director may enter into cooperative or contractual agreements with any individual, organization, or business related to the creation or promotion of a traveler information program. The traveler information program shall provide real-time traffic conditions and travel time information to travelers by telephone, text message, internet, or other similar means at no cost to the traveler. The director may contract with a program manager for the traveler information program. The program manager shall be responsible for all costs associated with the development and operation of the traveler information program. The compensation due to a program manager or vendor under any of these agreements may include deferred compensation in an amount determined by the director. Excess revenue shall be remitted to the department for deposit into the highway operating fund.

(F) Any materials or data submitted to, made available to, or received by the director of transportation, to the extent that the materials or data consist of trade secrets, as defined in section 1333.61 of the Revised Code, or commercial or financial information, are confidential and are not public records for the purposes of section 149.43 of the Revised Code."

In line 6614, after "(H)" insert (1) No person shall violate the terms of a permit issued under this section that relate to gross load limits.

(2) No person shall violate the terms of a permit issued under this section that relate to axle load by more than two thousand pounds per axle or group of axles.

(3) No person shall violate the terms of a permit issued under this section that relate to an approved route except upon order of a law enforcement officer.

(I)"; after "violates" insert " division (H) of"

In line 6616, delete " (I)" and insert " (J)"

In line 75, after "5501.31," insert "5501.51,"

Between lines 10830 and 10831, insert:

"Sec. 5501.51. (A) The state shall reimburse a utility for the cost of relocation of utility facilities necessitated by the construction of a highway project only in the event that the utility can evidence a vested interest in the nature of a fee interest, an easement interest, or a lesser estate in the real property it occupies in the event that the utility possesses a vested interest in such property. The utility shall present evidence satisfactory to the state substantiating the cost of relocation. The director may audit all financial records which the director determines necessary to verify such actual costs.

(B) The director of transportation may establish and enforce such rules and procedures as the director may determine to be necessary to assure consistency governing any and all aspects of the cost of utility relocations. The director may adopt such amendments to such rules as are necessary and within the guidelines of this section.

(C) As used in this section:

(1) "Cost of relocation" includes the actual cost paid by a utility directly attributable to relocation after deducting any increase in the value of the new facility and any salvage value derived from the old facility.

(2) "Utility" includes ~~publicly~~ all of the following:

(a) Publicly, privately, and cooperatively owned utilities that are subject to the authority of the public utilities commission of Ohio. ~~"Utility" also includes a~~ ;

(b) A cable operator as defined in the "Cable Communications Policy Act of 1984," 98 Stat. 2780, 47 U.S.C. 522, as amended by the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 151, and includes the provision of other information or telecommunications services, or both , ~~and an~~ ;

(c) An electric cooperative and a municipal electric utility, both as defined in section 4928.01 of the Revised Code ;

(d) County-owned or county-operated water and sewer facilities."

In line 17121, after "5501.31," insert "5501.51,"

In line 26 of the title, after "5501.31," insert "5501.51,"

In line 57, delete "123.21,"

Delete lines 154 through 220

In line 17103, delete "123.21,"

In line 1 of the title, delete "123.21,"

In line 6508, after "section" insert " ; however, the fee to operate a triple trailer unit, at locations authorized under federal law, shall be one hundred dollars"

Delete lines 6512 through 6526

Managers on the Part of the
House

Managers on the Part of the
Senate

/s/	<u>REPRESENTATIVE RON AMSTUTZ</u>	/s/	<u>SENATOR GAYLE L. MANNING</u>
	REPRESENTATIVE RON AMSTUTZ		SENATOR GAYLE L. MANNING
/s/	<u>REPRESENTATIVE ROSS W. MCGREGOR</u>		<u>SENATOR TOM PATTON</u>
	REPRESENTATIVE ROSS W. MCGREGOR		SENATOR TOM PATTON
	<u>REPRESENTATIVE ALICIA REECE</u>	/s/	<u>SENATOR CAPRI S. CAFARO</u>
			SENATOR CAPRI S. CAFARO

The question being, "Shall the report of the committee of Conference be agreed to?"

March 21, 2013

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 the report of the committee of Conference on **Am. Sub. H. B. No. 51**-Representatives McGregor, Patmon, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ KEVIN BOYCE
Kevin Boyce
State Representative
25th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 63, nays 28, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Amstutz	Anielski	Ashford
Baker	Barborak	Barnes	Beck
Becker	Blessing	Brenner	Buchy
Burkley	Butler	Conditt	DeVitis
Derickson	Dovilla	Duffey	Gonzales
Green	Grossman	Hackett	Hagan, C.
Hall	Hayes	Henne	Hill
Hood	Hottinger	Huffman	Johnson
Kunze	Landis	Lynch	Maag

McClain	McGregor	Milkovich	O'Brien
Patmon	Pelanda	Perales	Roegner
Romanchuk	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby	Smith
Sprague	Stautberg	Stebelton	Stinziano
Strahorn	Szollosi	Terhar	Wachtmann
Williams	Young		Batchelder-63.

Those who voted in the negative were: Representatives

Antonio	Bischoff	Boose	Brown
Budish	Carney	Celebrezze	Cera
Clyde	Curtin	Damschroder	Driehaus
Fedor	Foley	Gerberry	Heard
Letson	Lundy	Mallory	Phillips
Pillich	Ramos	Redfern	Reece
Rogers	Slesnick	Sykes	Winburn-28.

The report of the committee of Conference was agreed to.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Young submitted the following report:

The standing committee on Commerce, Labor, and Technology to which was referred **H. B. No. 37**-Representatives Duffey, Scherer, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SHAREDWORK OHIO PROGRAM

Representative Young moved to amend the title as follows:

Add the name: "Young."

RON YOUNG	MIKE DUFFEY
NAN BAKER	NICK BARBORAK
LOUIS W. BLESSING	MARGARET CONDITT
RON HOOD	AL LANDIS
ZACK MILKOVICH	DAN RAMOS

The following member voted "NO"

MATT LUNDY

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

Representative Phillips reported for the Rules and Reference committee recommending that the following resolution be read and approved:

H.R. No. 53 – Speaker Batchelder, Representatives Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barborak, Barnes, Beck, Becker, Bishoff, Blair, Blessing, Boose, Boyce, Boyd, Brenner, Brown, Buchy, Budish, Burkley, Butler, Carney, Celebrezze, Cera, Clyde, Conditt, Curtin, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Foley, Gerberry, Gonzales, Green, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Hood, Hottinger, Huffman, Johnson, Kunze, Landis, Letson, Lundy, Lynch, Maag, Mallory, McClain, McGregor, Milkovich, O'Brien, Patmon, Patterson, Pelanda, Perales, Phillips, Pillich, Ramos, Redfern, Reece, Retherford, Roegner, Rogers, Romanchuk, Rosenberger, Ruhl, Scherer, Schuring, Sears, Slaby, Slesnick, Smith, Sprague, Stautberg, Stebelton, Stinziano, Strahorn, Sykes, Szollosi, Terhar, Thompson, Wachtmann, Williams, Winburn, Young
In memory of Robert Corbin.

Representative Huffman moved that the Rules and Reference committee report on resolutions be agreed to and that the resolution contained therein 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. 53-Speaker Batchelder, Representatives Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barborak, Barnes, Beck, Becker, Bishoff, Blair, Blessing, Boose, Boyce, Boyd, Brenner, Brown, Buchy, Budish, Burkley, Butler, Carney, Celebrezze, Cera, Clyde, Conditt, Curtin, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Foley, Gerberry, Gonzales, Green, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Hood, Hottinger, Huffman, Johnson, Kunze, Landis, Letson, Lundy, Lynch, Maag, Mallory, McClain, McGregor, Milkovich, O'Brien, Patmon, Patterson, Pelanda, Perales, Phillips, Pillich, Ramos, Redfern, Reece, Retherford, Roegner, Rogers, Romanchuk, Rosenberger, Ruhl, Scherer, Schuring, Sears, Slaby, Slesnick, Smith, Sprague, Stautberg, Stebelton, Stinziano, Strahorn, Sykes, Szollosi, Terhar, Thompson, Wachtmann, Williams, Winburn, Young.

In memory of Robert Corbin.

WHEREAS, The members of the House of Representatives of the 130th General Assembly of Ohio were deeply saddened to learn of the death of Robert Corbin and extend our heartfelt condolences to his family and friends; and

WHEREAS, Bob Corbin 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. A U.S. Army veteran of World War II, he was a former member of the Centerville City Council and the Ohio House of Representatives, where he served as chairman of the Finance Committee. In addition, he was a published author, a former buyer for Rike's, and the owner of the Foodcraft Management Corporation, and a supporter of several organizations, including the Sinclair Community College Board of Trustees; and

WHEREAS, Bob Corbin's regard for improving the quality of life in our society was clearly evident in his personal sacrifices of time and effort to his family, friends, and community, and he will be remembered for his generosity, talents, and seemingly inexhaustible energy. He displayed exceptional concern in all of his endeavors, and his absence will be keenly felt; and

WHEREAS, A loyal husband to his wife, Ede, and a loving father to his two daughters, Carol and Lynn, Bob Corbin readily extended warmth and understanding to others. The legacy of care and commitment he established will stand as a monument to his personal character; therefore be it

RESOLVED, That we, the members of the House of Representatives of the 130th General Assembly of Ohio, in adopting this Resolution, express a profound sense of loss and sincere regret at the death of Robert Corbin; 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 Robert Corbin.

The resolution was adopted.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has agreed to the report of the Committee of Conference on matters of difference between the two houses on:

Am. Sub. H. B. No. 51 -Representatives McGregor, Patmon - et al.

Attest:

Vincent L. Keeran,
Clerk.

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:

Am. S. B. No. 2 -Senators Lehner, Beagle

Cosponsors: Senators Bacon, Eklund, Hite, LaRose, Uecker, Seitz, Oelslager, Balderson, Jones, Patton, Manning, Widener, Faber, Peterson, Obhof, Schaffer

To amend sections 6301.01, 6301.02, 6301.03, 6301.04, 6301.06, 6301.07, 6301.08, 6301.09, 6301.10, and 6301.12 and to enact section 6301.061 of the Revised Code to require a local workforce investment area to use OhioMeansJobs as the local workforce investment area's job placement system, to rename county one-stop systems, and to make other changes to Ohio's Workforce Development Law.

Sub. S. B. No. 7 -Senators Widener, Beagle

Cosponsors: Senators Lehner, Hughes, LaRose, Eklund, Hite, Coley, Jones, Faber, Peterson, Bacon, Balderson, Burke, Gardner, Kearney, Manning, Obhof, Oelslager, Patton, Schaffer, Turner, Uecker

To amend section 2945.402 and to enact section 2929.44 of the Revised Code to require that a court report certain information to a specified local law enforcement agency for entry into the appropriate National Crime Information Center file if the court approves the conditional release of a person found incompetent to stand trial or not guilty by reason of insanity or orders a person convicted of an offense of violence to receive a mental health evaluation or treatment for a mental illness and to name this act the Deputy Suzanne Hopper Act.

Sub. S. B. No. 25 -Senators Peterson, LaRose

Cosponsors: Senators Seitz, Schaffer, Uecker, Bacon, Hite

To amend section 4141.09 and to enact sections 4141.50 to 4141.56 of the Revised Code to create the SharedWork Ohio Program and to declare an emergency.

S. B. No. 48 -Senator Balderson

Cosponsors: Senators Hite, Burke, Faber, Seitz

To amend section 4303.29 of the Revised Code to allow a specified C or D

liquor permit that has been transferred to an economic development project to be subsequently transferred to a location that does not qualify as an economic development project.

S. B. No. 66 -Senator Hite

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

To amend sections 926.01, 926.021, 926.06, 926.10, 926.17, and 926.18 of the Revised Code to revise the Agricultural Commodity Handlers Law.

Attest:

Vincent L. Keeran,
Clerk.

Said bills were 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 House amendments to:

Am. S. B. No. 28 -Senator Obhof - et al.

Attest:

Vincent L. Keeran,
Clerk.

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. S. B. No. 47 -Senator Seitz - et al.

Attest:

Vincent L. Keeran,
Clerk.

The Speaker of the House of Representatives, on March 21, 2013, signed the following:

Am. S.B. No. 10 - Senators Coley, Smith - et al.

Am. S.B. No. 28 - Senator Obhof - et al.

Sub. S.B. No. 47 - Senator Seitz - et al.

S.C.R. No. 2 - Senator Beagle - et al.

On motion of Representative Huffman, the House adjourned until Wednesday, March 27, 2013 at 9:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,
Clerk.