

OHIO

House

of

Representatives

JOURNAL

CORRECTED VERSION
WEDNESDAY, APRIL 24, 2013

THIRTY-FOURTH DAY

Hall of the House of Representatives, Columbus, Ohio
Wednesday, April 24, 2013, 1:30 p.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Dan Whisner of the Church at Chapel Hill in Mt. Vernon, 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 Miami University Hamilton women's basketball team received H.R. 70, presented by Representatives Retherford-51st district, Beck-54th district, Derickson-53rd district, and Conditt-52nd district.

The Baldwin Wallace University cyber security team received H.R. 48, presented by Representative Dovilla-7th district.

Carol Fitzsimons received H.R. 470, presented by Representative Ruhl-68th district.

The Fort Loramie High School girls basketball team received H.R. 91, presented by Representative Buchy-84th district.

The Operation Military Kids team received H.R. 96, presented by Representatives Pillich-28th district and Slaby-38th district.

Joel Rieck received an award presented by Operation Military Kids and Speaker Batchelder-69th district.

Operation Military Kids received an award presented by Colonel Tom Moe, Director of the Ohio Department of Veterans' Services.

Christopher Galasko, a guest of Representative Anielski-6th district.

Members of the Legislative Fellows Program for South and Central Asia, guests of Speaker Batchelder-69th district.

Iryna Kashuba, Yulia Abdullina, Thomas Cousino, and Yulinda Burkett, guests of Representatives Damschroder-88th district and Redfern-89th district.

Amy Rock, Michelle Garfield, Jeff Powers, Buxi Iacobone, Lora Rawson, Samantha Shafer, Kevin McCoy and Ramond Johnson, Sr., guests of Representative Phillips-94th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 141-Representative Damschroder.

To amend sections 1901.01, 1901.02, 1901.021, 1901.08, and 1901.311 of the Revised Code to abolish the Fostoria Municipal Court and the Tiffin Municipal Court, to create the Tiffin-Fostoria Municipal Court, and to declare an emergency.

H. B. No. 142-Representatives Schuring, Heard.

To amend sections 3109.17, 3109.171, and 3109.18 of the Revised Code to permit a child abuse and child neglect prevention advisory board to submit a local allocation plan to the Children's Trust Fund Board on an annual, biannual, or multiple year basis, to permit two or more child abuse and child neglect prevention advisory boards to partner with each other to develop a comprehensive local allocation plan and to submit that plan on an annual, biannual, or multiple year basis, and to permit the Children's Trust Fund Board to send funds allocated to a county family and children first council to the county or district children's trust fund in the county treasury or directly to the administrative agent of the county family and children first council.

Said bills were considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 3**-Representatives Sears, Kunze, et al., were taken up for consideration.

Sub. H. B. No. 3-Representatives Sears, Kunze.

Cosponsors: Representatives Hottinger, Anielski, Brown, Hackett, Henne, Rosenberger, Sprague, Wachtmann, Speaker Batchelder. Senators Bacon, Hite, Peterson.

To amend sections 1751.12, 3905.01, and 4713.62 and to enact sections 3905.47, 3905.471, 3905.472, 3905.473, and 3905.474 of the Revised Code to specify licensing and continuing education requirements for insurance agents involved in selling, soliciting, or negotiating sickness and accident insurance through a health benefit exchange, to make changes to copayments, cost sharing, and deductibles for health insuring corporations, and to make changes to the law related to continuing education requirements for cosmetologists.

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

The yeas and nays were taken and resulted - yeas 88, nays 7, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Anielski	Antonio
Baker	Barborak	Barnes	Beck
Becker	Bishoff	Blair	Boose
Boyce	Brenner	Brown	Buchy
Budish	Burkley	Butler	Carney
Celebrezze	Cera	Clyde	Conditt
Curtin	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Duffey	Fedor
Foley	Gerberry	Gonzales	Green
Grossman	Hackett	Hagan, C.	Hagan, R.
Hall	Hayes	Heard	Henne
Hill	Hottinger	Huffman	Johnson
Kunze	Landis	Letson	Lundy
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
Terhar	Wachtmann	Winburn	Batchelder-88.

Representatives Adams J., Blessing, Hood, Lynch, Maag, Thompson, and Young voted in the negative-7.

The Senate amendments were concurred in.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Clyde submitted the following report:

The standing committee on State and Local Government to which was referred **S. B. No. 33**-Senators Bacon, LaRose, et al., having had the same under consideration, reports it back and recommends its passage.

RE: OFFICIAL STATE ARTIFACT-ADENA PIPE

Representative Blair moved to amend the title as follows:

Add the name: "Representative Blair."

MARLENE ANIELSKI
BILL PATMON
CHERYL GROSSMAN
MATT LUNDY
RICHARD ADAMS
RON GERBERRY
STEPHEN SLESNICK

KATHLEEN CLYDE
BRIAN HILL
JOHN M. ROGERS
REX DAMSCHRODER
ROBERT HACKETT
RON YOUNG
TERRY BOOSE

TIM W. BROWN
VERNON SYKES

TONY BURKLEY
TERRY BLAIR

The report was agreed to.

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

Representative Clyde submitted the following report:

The standing committee on State and Local Government to which was referred **H. B. No. 57**-Representative Gerberry, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

RE: HUMAN SOCIETY AGENTS-SUCCESSFULLY COMPLETE TRAINING

Representative Blair moved to amend the title as follows:

Add the names: "Clyde, Brown."

Representative Gerberry moved to amend as follows:

In line 236, after " agents" insert " and notices of revocation of agents' appointments"

The motion was agreed to and the bill so amended.

Representative Gerberry moved to amend as follows:

In line 379, strike through "who are"

Strike through line 380

In line 381, strike through "appointment is made"

The motion was agreed to and the bill so amended.

MARLENE ANIELSKI
BILL PATMON
CHERYL GROSSMAN
MATT LUNDY
RICHARD ADAMS
RON GERBERRY
RON YOUNG
TERRY BOOSE
TONY BURKLEY
TERRY BLAIR

KATHLEEN CLYDE
BRIAN HILL
JOHN M. ROGERS
REX DAMSCHRODER
ROBERT HACKETT
RON MAAG
STEPHEN SLESNICK
TIM W. BROWN
VERNON SYKES

The report was agreed to.

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

Representative Antonio submitted the following report:

The standing committee on Health and Aging to which was referred **S. B. No. 24**-Senator Obhof, et al., having had the same under consideration, reports it back and recommends its passage.

RE: PREGNANCY AND INFANT LOSS REMEMBRANCE
DAY-OCTOBER 15

Representative Wachtmann moved to amend the title as follows:

Add the names: "Representatives Antonio, Bishoff, Brown, Carney, Hottinger, Johnson."

LYNN R. WACHTMANN	ANNE GONZALES
NICKIE ANTONIO	JOHN BARNES
HEATHER BISHOFF	TIM W. BROWN
JOHN PATRICK CARNEY	BRIAN HILL
RON HOOD	JAY HOTTINGER
TERRY JOHNSON	MATT LYNCH
DALE MALLORY	DAN RAMOS
KIRK SCHURING	RYAN SMITH

The following member voted "NO"

RON MAAG

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

Representative Grossman moved that majority party members asking leave to be absent or absent the week of Wednesday, April 24, 2013, 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 Wednesday, April 24, 2013, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

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

H.R. No. 90 – Representative Becker
In memory of Jeff Hardin.

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. 90-Representative Becker.

In memory of Jeff Hardin.

WHEREAS, The members of the House of Representatives of the 130th General Assembly of Ohio extend heartfelt condolences to the family and friends of Jeff Hardin in their time of bereavement; and

WHEREAS, Jeff Hardin'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. A veteran of the U.S. Marine Corps, a mortgage professional, an adjunct faculty member at Hondros College, and the clerk-treasurer for Hubbard Township, he was a dedicated and devoted individual whose exemplary career serves as an inspiration for others; and

WHEREAS, A man of exceptional concern and insight, Jeff Hardin achieved a praiseworthy record of service as a member of the Ohio Board of Education, where he passionately advocated for rural schools, adequate funding for education, professional educator conduct, fiscal oversight, literacy, career tech, and high standards. In addition, he was active with numerous endeavors, including the Boy Scouts of America, Trumbull Baptist Neighborhood Ministries, Ohio Baptist Association Endowment Committee, American Baptist Convention, Ohio Christian Alliance, Ohio District of Key Club International, and Owensville United Methodist Church, and his untiring efforts earned him many richly deserved accolades; and

WHEREAS, Jeff Hardin's personal sacrifices of time and energy to his family, his friends, his community, and the State of Ohio will certainly live beyond him, and he will long be remembered for his kindness and his unwavering commitment to service. The warmth and understanding that Jeff Hardin so readily extended to others will stand as a testament to his personal character, and he will be remembered fondly by all those who knew and loved him; therefore be it

RESOLVED, That we, the members of the House of Representatives of the 130th General Assembly of Ohio, in adopting this Resolution, pay tribute to the memory of a truly honorable man, Jeff Hardin; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit a duly authenticated copy of this Resolution to the family and friends of Jeff Hardin.

The resolution was adopted.

BILLS FOR THIRD CONSIDERATION

H. B. No. 95-Representative Hill.

Cosponsors: Representatives Huffman, Adams, J., Buchy, Beck, Becker, Blair, Boose, Brown, Conditt, Derickson, Gonzales, Hood, Ruhl, Sprague, Stebelton, Terhar, Milkovich, Wachtmann, Antonio, Bishoff, Carney.

To amend sections 3705.20 and 3705.23 of the Revised Code to rename certificates recognizing the delivery of a stillborn infant as certificates of birth resulting in stillbirth, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

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	Baker	Barborak	Barnes
Beck	Becker	Bishoff	Blair
Blessing	Boose	Boyce	Brenner
Brown	Buchy	Budish	Burkley
Butler	Carney	Celebrezze	Cera
Clyde	Conditt	Curtin	Damschroder
DeVitis	Derickson	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	Terhar	Thompson	Wachtmann
Winburn	Young		Batchelder-95.

The bill passed.

Representative Hill moved to amend the title as follows:

Add the names: "Adams, R., Amstutz, Anielski, Baker, Barborak, Barnes, Blessing, Brenner, Burkley, Butler, Celebrezze, Cera, Curtin, Damschroder, DeVitis, Dovilla, Driehaus, Fedor, Foley, Green, Grossman, Hackett, Hagan, C., Hall, Hayes, Heard, Henne, Hottinger, Landis, Lynch, Mallory, McClain,

O'Brien, Patmon, Patterson, Phillips, Pillich, Ramos, Reece, Retherford, Rogers, Rosenberger, Scherer, Schuring, Sears, Slaby, Smith, Stautberg, Stinziano, Sykes, Thompson, Winburn, Young, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. C. R. No. 6-Representatives Brenner, Huffman.

Cosponsors: Representatives Maag, Derickson, Roegner, Buchy, Romanchuk, Thompson, Sears, Adams, J., Hood, Young, Retherford, Bishoff, Lynch, Schuring.

To urge the Congress of the United States and the President of the United States to repeal the new federal excise tax on medical devices, was taken up for consideration the third time.

The question being, "Shall the concurrent resolution be adopted?"

Representative Brenner moved to amend the title as follows:

Add the names: "Adams, R., Amstutz, Anielski, Baker, Beck, Blair, Blessing, Brown, Burkley, Butler, Conditt, DeVitis, Dovilla, Duffey, Green, Grossman, Hackett, Hall, Hayes, Henne, Hottinger, Johnson, Landis, McClain, McGregor, Perales, Rogers, Rosenberger, Ruhl, Scherer, Smith, Stautberg, Stebelton, Terhar, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Representative McGregor moved the previous question.

The motion was not in order.

The question being, "Shall the concurrent resolution be adopted?"

The yeas and nays were taken and resulted - yeas 76, nays 19, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Baker	Barnes	Beck
Becker	Bishoff	Blair	Blessing
Boose	Boyce	Brenner	Brown
Buchy	Burkley	Butler	Carney
Celebrezze	Conditt	Damschroder	DeVitis
Derickson	Dovilla	Duffey	Gonzales
Green	Grossman	Hackett	Hagan, C.
Hall	Hayes	Heard	Henne
Hill	Hood	Hottinger	Huffman
Johnson	Kunze	Landis	Letson
Lundy	Lynch	Maag	Mallory
McClain	McGregor	Milkovich	O'Brien

Pelanda	Perales	Ramos	Retherford
Roegner	Romanchuk	Rosenberger	Ruhl
Scherer	Schuring	Sears	Slaby
Slesnick	Smith	Sprague	Stautberg
Stebelton	Stinziano	Strahorn	Terhar
Thompson	Wachtmann	Young	Batchelder-76.

Those who voted in the negative were: Representatives

Barborak	Budish	Cera	Clyde
Curtin	Driehaus	Fedor	Foley
Gerberry	Hagan, R.	Patmon	Patterson
Phillips	Pillich	Redfern	Reece
Rogers	Sykes		Winburn-19.

The concurrent resolution was adopted.

Representative Ramos having voted on the prevailing side, moved that the vote by which **H. C. R. No. 6**-Representatives Brenner, Huffman, et al. was adopted be reconsidered and that the motion be taken up for immediate consideration.

This motion under House Rule 95 is properly supported by the following members who voted on the prevailing side of the question:

<u>/s/DAN RAMOS</u>	<u>/s/NICHOLAS CELEBREZZE</u>
Dan Ramos	Nicholas Celebrezze
<u>/s/NICKIE ANTONIO</u>	<u>/s/SEAN O'BRIEN</u>
Nickie Antonio	Sean O'Brien
<u>/s/ROLAND WINBURN</u>	
Roland Winburn	

The question being, "Shall the motion to reconsider the vote by which **H. C. R. No. 6**-Representatives Brenner, Huffman, et al., was adopted be agreed to?"

The yeas and nays were taken and resulted - yeas 43, nays 46, as follows:

Those who voted in the affirmative were: Representatives

Antonio	Barborak	Barnes	Becker
Bishoff	Boyce	Budish	Burkley
Butler	Carney	Celebrezze	Cera
Clyde	Curtin	Damschroder	Driehaus
Fedor	Foley	Gerberry	Hagan, R.
Heard	Henne	Hottinger	Letson
Lundy	Mallory	McClain	Milkovich
O'Brien	Patmon	Patterson	Pillich
Ramos	Reece	Rogers	Schuring
Stautberg	Stinziano	Strahorn	Sykes
Winburn	Young		Batchelder-43.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Anielski	Baker
Beck	Blair	Blessing	Boose
Brenner	Brown	Buchy	Conditt
DeVitis	Derickson	Dovilla	Duffey
Gonzales	Green	Grossman	Hackett
Hagan, C.	Hall	Hayes	Hill
Hood	Huffman	Johnson	Kunze
Landis	Lynch	Maag	McGregor
Pelanda	Perales	Retherford	Romanchuk
Rosenberger	Ruhl	Scherer	Sears
Slaby	Smith	Sprague	Stebelton
Terhar			Thompson-46.

The motion was not 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:

S. B. No. 38 -Senator Schiavoni

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

To enact section 5.2289 of the Revised Code to designate the first week in October as "Nonviolence Week."

Attest:

Vincent L. Keeran,
Clerk.

Said bill was considered the first time.

On motion of Representative Huffman, the House adjourned until Tuesday, April 30, 2013 at 11:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,
Clerk.