

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, APRIL 30, 2013

## THIRTY-FIFTH DAY

Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, April 30, 2013, 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Mark Ashley of the Northfield Baptist Church in Northfield, Ohio, followed by the Pledge of Allegiance to the Flag.

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

The following guests of the House of Representatives were recognized by Speaker Batchelder prior to the commencement of business:

The Anna High School girls basketball team received H.R. 77, presented by Representatives J. Adams-85th district and Buchy-84th district.

The Kettering Fairmont High School girls basketball team received H.R. 84, presented by Representative Butler-41st district.

Scott Simms, a guest of Representative Amstutz-1st district.

Lauren Glaros and students from Worthington Kilbourne High School, guests of Representative Duffey-21st district.

Ms. Stiverson, Ms. Kessler, and students from the Columbus School for Girls, guests of Representatives Carney-23rd district and Duffey-21st district.

Cathy Presper, a guest of Representatives Stautberg-27th district and Bishoff-20th district.

Grassroots volunteers for The Coalition, guests of Representative Hall-70th district.

Hannah Wood, a guest of Representative Redfern-89th district.

Julie, Aaron, and Taryn Watson, guests of Representative Rosenberger-91st district.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 143**-Representatives DeVitis, Butler.

Cosponsors: Representatives Retherford, Brenner, Boose, Young, Lundy, Adams, J., Sprague, Roegner, Becker, Romanchuk, Huffman, Blair, Gonzales.

To amend section 4123.29 of the Revised Code to require the Administrator of Workers' Compensation to include in the notice of premium rate that is applicable to an employer for an upcoming policy year the mathematical equation used by the Administrator to determine the employer's premium rate.

**H. B. No. 144**-Representative Kunze.

Cosponsors: Representatives Gonzales, Duffey, Hood, Ruhl, Strahorn, Becker, Pillich, Grossman, Hackett, Stebelton.

To amend sections 2151.87, 2927.02, 2927.021, and 2927.022 of the Revised Code to include alternative nicotine products within the restrictions that currently apply to the sale or distribution to, and possession or use by, minors of cigarettes and other tobacco products and to declare an emergency.

**H. B. No. 145**-Representative Henne.

Cosponsors: Representatives Antonio, Brenner, Fedor, Sykes, Duffey, Stebelton, Wachtmann, Foley, Stinziano, Rogers.

To amend sections 4511.132 and 4511.27 of the Revised Code to provide that when a motor vehicle passes a bicycle the safe passing distance to the left is three feet, and to alter the protocol for proceeding into an intersection that has malfunctioning traffic lights.

**H. B. No. 146**-Representative Gonzales.

Cosponsors: Representatives Brenner, Ruhl, Stebelton.

To amend sections 4725.42 and 4725.43 of the Revised Code to modify the composition of the Optical Dispensers Board.

**H. B. No. 147**-Representatives Patmon, Wachtmann.

Cosponsors: Representatives Ramos, Barnes, Hackett, Burkley, Grossman.

To enact section 4731.73 of the Revised Code to require a surgeon performing a mastectomy, lymph node dissection, or lumpectomy in a hospital to guide the patient and provide referrals in accordance with the standards of the National Accreditation Program for Breast Centers and to name this act the "Lizzie B. Byrd Act."

**H. B. No. 148**-Representatives Driehaus, Hagan, R.

Cosponsors: Representatives Antonio, Lundy, Boyd.

To amend sections 1509.01, 1509.02, 1509.03, 1509.05, 1509.06, 1509.08, 1509.21, 1509.22, 1509.222, 1509.223, and 1509.224, to enact section 1509.051, and to repeal section 1509.226 of the Revised Code to prohibit land application and deep well injection of brine, to prohibit the conversion of wells, and to eliminate the injection fee that is levied under the Oil and Gas Law.

Said bills were considered the first time.

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

Representative Adams, J. reported for the Rules and Reference committee, recommending that the following House Bills and Senate Bill be considered for the second time and referred to the following committees for consideration:

**H.B. No. 141** – Representative Damschroder  
TO ABOLISH THE FOSTORIA MUNICIPAL COURT AND THE TIFFIN MUNICIPAL COURT, TO CREATE THE TIFFIN-FOSTORIA MUNICIPAL COURT, AND TO DECLARE AN EMERGENCY.  
To the committee on Judiciary

**H.B. No. 142** – Representatives Schuring and Heard  
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, BIENNIAL, 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, BIENNIAL, 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.  
To the committee on State and Local Government

**S.B. No. 38** – Senator Schiavoni  
TO DESIGNATE THE FIRST WEEK IN OCTOBER AS “NONVIOLENCE WEEK.”  
To the committee on Transportation, Public Safety and Homeland Security

MATT HUFFMAN  
ANDREW BRENNER  
DOROTHY PELANDA  
ARMOND BUDISH

JOHN ADAMS  
JIM BUCHY  
STEPHANIE KUNZE  
TRACY HEARD

Representative Huffman 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 and Senate Bill 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 and Senate Bill were considered the second time and referred as recommended.

### **MOTIONS AND RESOLUTIONS**

Representative Adams, J. 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. 17** – Representatives Stinziano and Hackett  
TO URGE THE CONGRESS OF THE UNITED STATES TO  
REAUTHORIZE FEDERALLY PROVIDED TERRORISM  
REINSURANCE FOR INSURERS IN ORDER TO MAINTAIN STABILITY  
IN THE INSURANCE AND REINSURANCE MARKETS TO CONTINUE  
TO DELIVER SUBSTANTIVE, DIRECT BENEFITS TO BUSINESSES,  
WORKERS, CONSUMERS, AND THE ECONOMY OVERALL IN THE  
AFTERMATH OF A TERRORIST ATTACK ON THE UNITED STATES.  
To the committee on Insurance  
Add the names: Budish, Brenner, Heard

/s/MATT HUFFMAN  
Matt Huffman, Chair

Representative Huffman 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. 97** – Representatives Ruhl and Stautberg  
Honoring the Kenyon College men's swimming and diving team on winning the 2013 NCAA Division III Championship.

**H.R. No. 98** – Representative DeVitis  
Honoring the Tallmadge Middle School Technology Education Program on receiving an ITEEA Program Excellence Award.

**H.R. No. 99** – Representative Henne  
Honoring the Northmont High School Academic Challenge team as the 2013 NAQT State Champion.

**H.R. No. 100** – Representative Hall

Honoring the Ashland University women's basketball team on winning the 2013 NCAA Division II Championship title.

**H.R. No. 101** – Representative Cera

Honoring Alex Quinn as a 2013 Division III State Wrestling Champion.

**H.R. No. 102** – Representative Gonzales

Honoring Al and Barbara Siemer as the recipients of the 2012 National Tocqueville Society Award.

**H.R. No. 103** – Representatives Hood and Hill

Honoring the Maysville High School archery team as the 2013 State Champion.

**H.R. No. 104** – Representative Gonzales

Honoring Katerini Soisson as an outstanding youth volunteer.

/s/MATT HUFFMAN  
Matt Huffman, Chair

Representative Huffman 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.

Representative Grossman moved that majority party members asking leave to be absent or absent the week of Tuesday, April 30, 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 Tuesday, April 30, 2013, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

**BILLS FOR THIRD CONSIDERATION****H. B. No. 77**-Representatives Dovilla, Celebrezze.

Cosponsors: Representatives Sprague, Stinziano, Derickson, Thompson, Strahorn, Hottinger, Antonio, Baker, Adams, R., Reece, Rogers, Barborak, Letson, Schuring.

To enact section 5.2279 of the Revised Code to designate October as "Manufacturing Month", was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 94, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	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	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	Stautberg	Stebelton
Stinziano	Strahorn	Sykes	Szollosi
Terhar	Thompson	Williams	Winburn
Young			Batchelder-94.

Representatives Maag and Wachtmann voted in the negative-2.

The bill passed.

Representative Dovilla moved to amend the title as follows:

Add the names: "Amstutz, Anielski, Ashford, Barnes, Beck, Bishoff, Blair, Boose, Boyce, Brown, Buchy, Budish, Burkley, Butler, Carney, Cera, Clyde, Damschroder, DeVitis, Driehaus, Fedor, Foley, Gerberry, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Huffman, Johnson, Landis, Lundy, McClain, Milkovich, O'Brien, Patterson, Pelanda, Phillips, Pillich, Ramos, Redfern, Roegner, Romanchuk, Rosenberger, Ruhl, Slaby, Slesnick, Smith, Stebelton, Sykes, Szollosi, Williams, Winburn, Young, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**S. B. No. 33**-Senators Bacon, LaRose.

Cosponsors: Senators Manning, Sawyer, Schaffer, Coley, Burke, Skindell, Brown, Eklund, Hite, Hughes, Obhof, Oelslager, Patton, Peterson, Smith, Tavares, Turner, Uecker. Representative Blair.

To enact section 5.075 of the Revised Code to adopt the Adena Pipe as the official artifact of the state, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 96, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	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	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	Stautberg
Stebelton	Stinziano	Strahorn	Sykes
Szollosi	Terhar	Thompson	Wachtmann
Williams	Winburn	Young	Batchelder-96.

The bill passed.

Representative Duffey moved to amend the title as follows:

Add the names: "Anielski, Antonio, Baker, Barborak, Barnes, Beck, Bishoff, Boose, Boyce, Brenner, Brown, Buchy, Budish, Burkley, Carney, Celebrezze, Clyde, Curtin, Damschroder, Dovilla, Driehaus, Fedor, Foley, Gonzales, Grossman, Hackett, Hagan, C., Heard, Hottinger, Johnson, Kunze, Landis, Letson, McClain, Milkovich, O'Brien, Patterson, Pelanda, Perales, Pillich, Redfern, Reece, Rogers, Rosenberger, Scherer, Slaby, Slesnick, Smith, Stautberg, Stebelton, Stinziano, Strahorn, Wachtmann, Winburn, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**S. B. No. 24**-Senator Obhof.

Cosponsors: Senators Manning, Schiavoni, Lehner, Gardner, Jones, Seitz, Sawyer, Kearney, Oelslager, Jordan, Tavares, Balderson, Beagle, Burke, Cafaro, Coley, Eklund, Faber, Hite, Hughes, LaRose, Peterson, Schaffer, Turner, Uecker, Widener. Representatives Antonio, Bishoff, Brown, Carney, Hottinger, Johnson.



To enact section 5.2279 of the Revised Code to designate October 15 as "Pregnancy and Infant Loss Remembrance Day", was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 93, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Ashford	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
McClain	McGregor	Milkovich	O'Brien
Patmon	Patterson	Pelanda	Perales
Phillips	Ramos	Redfern	Reece
Retherford	Roegner	Rogers	Romanchuk
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby	Slesnick	Smith
Stautberg	Stebelton	Stinziano	Strahorn
Sykes	Szollosi	Terhar	Thompson
Wachtmann	Williams	Winburn	Young
			Batchelder-93.

Representative Maag voted in the negative-1.

The bill passed.

Representative Wachtmann moved to amend the title as follows:

Add the names: "Adams, R., Amstutz, Anielski, Barborak, Barnes, Beck, Blair, Boose, Boyce, Brenner, Buchy, Burkley, Butler, Celebrezze, Conditt, Damschroder, Derickson, Dovilla, Fedor, Grossman, Hackett, Hagan, C., Hall, Hayes, Henne, Hill, Hood, Lynch, McClain, Milkovich, Patmon, Patterson, Pelanda, Perales, Roegner, Rogers, Ruhl, Scherer, Schuring, Slaby, Smith, Stebelton, Stinziano, Terhar, Wachtmann, Winburn, Young, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on April 25, 2013, signed the following:

**Sub. H.B. No. 3** - Representatives Sears, Kunze - et al.

CLERK'S NOTATION

This is to acknowledge receipt from the Supreme Court of Ohio, on April 29, 2013, of amendments to the Ohio Rules of Appellate Procedure, Ohio Rules of Civil Procedure, Ohio Rules of Criminal Procedure, and Ohio Rules of Juvenile Procedure.

On motion of Representative Huffman, the House adjourned until Thursday, May 2, 2013 at 9:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,  
Clerk.