

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, OCTOBER 16, 2013

EIGHTIETH DAY

Hall of the House of Representatives, Columbus, Ohio
Wednesday, October 16, 2013, 1:30 p.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Curtis Miller of the Grace Brethren Church in Bowling Green, 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:

Grand Master Jim Deyo presented Speaker Batchelder-69th district, with a Masonic medal.

Jenell Sullivan received H.R. 263, presented by Speaker Batchelder-69th district and Representative Heard-26th district.

Grand Master Jim Deyo received a commendation from Speaker Batchelder-69th district.

Citizens of the Village of Lexington received H.R. 237, presented by Representative Romanchuk-2nd district.

Joseph Lavelle received H.R. 247, presented by Representatives Phillips-94th district and R. Adams-80th district.

Ayden Richmond received H.R. 181, presented by Representative Patterson-99th district.

Brian and Ashlynn Galligher, guests of Representatives Dovilla-7th district and Brenner-67th district.

Jacob Gray and Jeanette Sheppa, guests of Representative Stinziano-18th district.

Jocelyne Munoz, a guest of Speaker Batchelder-69th district.

Kurtis Black and Jason, Elizabeth, and Alex Lance, guests of Representative R. Adams-80th district.

Nathan Cates, a guest of Representative Sprague-83rd district.

Students of the 4th grade class of Versailles Elementary School, guests of Representative Buchy-84th district.

Members of the Ohio University Student Senate, guests of Representative Phillips-94th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 297-Representatives Gonzales, Driehaus.

Cosponsors: Representatives Stinziano, Milkovich, Pelanda, Fedor, Baker, Slaby, Ramos, Hagan, R., Antonio, Sheehy, Mallory, Ruhl, Reece, Roegner, Hagan, C., Sears, Pillich, Gerberry.

To enact sections 9.131, 4113.80, 4113.81, 5321.171, 5321.172, 5321.173, 5321.174, and 5321.175 of the Revised Code to allow an employee who is a victim of domestic violence to take unpaid leave for purposes relating to the incident of domestic violence; to allow an employee who is a victim of domestic violence to file a civil action against that employee's employer if the employer terminates the employee's employment as a result of the employee taking unpaid leave for purposes relating to the incident of domestic violence; to allow a tenant who is a victim of domestic violence to terminate a rental agreement or have the tenant's name removed from the rental agreement under certain circumstances; to require a landlord of a tenant who is a victim of domestic violence or menacing by stalking to change the lock to the dwelling unit where the tenant resides under certain circumstances; to require a metropolitan housing authority to transfer a tenant who is a victim of domestic violence or menacing by stalking if the tenant requests such a transfer and provides the metropolitan housing authority with certain specified information; and to prohibit a county, municipal corporation, township, or law enforcement agency of such a political subdivision from charging any victim of domestic violence a fee for assisting the victim.

H. B. No. 298-Representatives Duffey, Stinziano.

Cosponsors: Representatives Hill, Rogers, Sheehy.

To amend sections 3721.13 and 3721.18 of the Revised Code to permit a resident of a nursing home to conduct electronic monitoring of the resident's room.

H. B. No. 299-Representative Grossman.

Cosponsors: Representatives Brenner, Terhar.

To amend section 5715.19 of the Revised Code to require counties, municipal corporations, townships, and school boards that file complaints against the valuation of property they do not own to pass a resolution approving the complaint and specifying the compensation paid to any person retained to represent the county, municipal corporation, township, or school board in the matter of the complaint.

H. B. No. 300-Representative Antonio.

Cosponsors: Representatives Stinziano, Foley, Rogers, Budish, Gerberry, Ashford, Driehaus, Hagan, R., Lundy, Fedor, Reece, Williams, McGregor, Pelanda, Brown.

To amend section 2927.12 of the Revised Code to expand the offense of "ethnic intimidation" to also prohibit conduct currently specified in the offense when the conduct is committed by reason of another person's gender identity, sexual orientation, or disability.

H. B. No. 301-Representatives Pelanda, Bishoff.

Cosponsors: Representatives Hood, Blessing, Brenner, Antonio, Reece, Fedor.

To amend sections 4723.48 and 4723.50 and to enact section 4723.488 of the Revised Code to authorize a person not otherwise authorized to do so to administer certain drugs pursuant to delegation by an advanced practice registered nurse who holds a certificate to prescribe.

H. B. No. 302-Representative Stautberg.

To amend sections 717.25, 1710.061, 3706.25, 4905.31, 4928.01, 4928.143, 4928.20, 4928.61, 4928.65, 5501.311, and 5727.75; to amend section 4928.64 and to recodify it by subdividing it into sections 4928.641, 4928.642, 4928.643, 4928.644, 4928.645, 4928.646, 4928.647, 4928.648, and 4928.649; to amend section 4928.66 and to recodify it by subdividing it into sections 4928.661, 4928.662, 4928.665, 4928.666, 4928.667, 4928.668, 4928.6625, 4928.6626, 4928.6627, 4928.6650, 4928.6651, 4928.6655, 4928.6656, 4928.6657, and 4928.6658; to enact new section 4928.66 and sections 4928.6410, 4928.6610, 4928.6611, 4928.6612, 4928.6613, 4928.6615, 4928.6616, 4928.6617, 4928.6618, 4928.6619, 4928.6620, 4928.6621, 4928.6622, 4928.6623, 4928.6630, 4928.6631, 4928.6632, 4928.6633, 4928.6634, 4928.6635, 4928.6636, 4928.6640, 4928.6641, 4928.6642, 4928.6645, 4928.6646, 4928.6647, 4928.6659, and 4928.6660 of the Revised Code to modify the alternative energy resource, energy efficiency, and peak demand reduction law.

H. B. No. 303-Representative Hayes.

Cosponsors: Representatives Hood, Adams, J., Becker, Derickson, Hall, Wachtmann, Scherer, Hill, Buchy, Maag, Lynch, McClain, Conditt, Henne, Patmon.

To amend sections 3314.03, 3326.11, and 3328.24 and to enact sections 3320.01, 3320.02, and 3320.03 of the Revised Code regarding student religious expression.

H. B. No. 304-Representative Hayes.

Cosponsors: Representatives Hood, Becker, Derickson, Hall, Wachtmann, Buchy, Maag, Lynch, McClain, Conditt, Henne, Patmon.

To amend sections 3314.03, 3326.11, and 3328.24 and to enact section 3320.01 of the Revised Code regarding student access to public school facilities.

H. B. No. 305-Representative Becker.

Cosponsor: Representative Hood.

To amend sections 3501.01, 3503.10, 3503.11, 3503.14, 3503.15, 3503.16, 3503.19, 3503.23, 3505.181, 3505.182, 3505.183, 3509.03, 3511.02, 3513.05, 3513.18, 3513.19, 3513.191, 3513.192, 3517.013, 3599.02, 3599.11, 3599.18, and 4507.06; to repeal sections 3513.20, 3517.014, 3517.015, and 3517.016 of the Revised Code; and to amend the version of section 4507.06 of the Revised Code that is scheduled to take effect January 1, 2017, to continue the provisions of this act on and after that effective date to require that an elector's political party affiliation be determined by the party the elector indicated on the elector's voter registration form and to specify that currently registered electors retain their current party affiliations unless they update their registrations.

Said bills were considered the first time.

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

Representative Ashford submitted the following report:

The standing committee on Rules and Reference to which was referred **Am. Sub. S. B. No. 5**-Senators Brown, Manning, et al., having had the same under consideration, reports it back and recommends its re-referral to the committee on Judiciary.

RE: WIRELESS SERVICE PROVIDERS-GIVE EMERGENCY CALL
LOCATION INFORMATION TO POLICE

MATT HUFFMAN
ANDREW BRENNER
DOROTHY PELANDA
MIKE ASHFORD

WILLIAM G. BATCHELDER
STEPHANIE KUNZE
JOHN ADAMS
TRACY HEARD

The report was agreed to.

The bill was ordered to be engrossed and rereferred to the committee on Judiciary.

Representative Ashford submitted the following report:

The standing committee on Rules and Reference to which was referred **H. B. No. 176**-Representative Sears, having had the same under consideration, reports it back and recommends its re-referral to the committee on Health and Aging.

RE: MEDICAID REFORM

TRACY HEARD	MIKE ASHFORD
JOHN ADAMS	DOROTHY PELANDA
STEPHANIE KUNZE	ANDREW BRENNER
WILLIAM G. BATCHELDER	MATT HUFFMAN

The report was agreed to.

The bill was ordered to be engrossed and rereferred to the committee on Health and Aging.

Representative Cera submitted the following report:

The standing committee on Agriculture and Natural Resources to which was referred **H. C. R. No. 29**-Representative Thompson, et al., having had the same under consideration, reports it back and recommends its adoption.

RE: HALT REGULATION RESTRICTING FUEL DIVERSITY

Representative Hall moved to amend the title as follows:

Add the names: "Cera, Barborak."

DAVE HALL	ANDY THOMPSON
JACK CERA	NICK BARBORAK
TERRY BOOSE	JIM BUCHY
TONY BURKLEY	REX DAMSCHRODER
BRIAN HILL	AL LANDIS
JOHN PATTERSON	DOROTHY PELANDA
WES RETHERFORD	MARGARET RUHL
GARY K. SCHERER	

The following members voted "NO"

MICHAEL F. CURTIN	CHRIS REDFERN
FRED STRAHORN	ROLAND WINBURN

The report was agreed to.

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

Representative Cera submitted the following report:

The standing committee on Agriculture and Natural Resources to which was referred **H. B. No. 199**-Representatives Burkley, Hackett, et al., having had the same under consideration, reports it back and recommends its passage.

RE: GAME KILLED BY MOTOR VEHICLES-ADD FERAL HOGS

DAVE HALL	ANDY THOMPSON
JACK CERA	NICK BARBORAK
TERRY BOOSE	JIM BUCHY
TONY BURKLEY	MICHAEL F. CURTIN
REX DAMSCHRODER	CHRISTINA HAGAN
BRIAN HILL	AL LANDIS
JOHN PATTERSON	DOROTHY PELANDA
CHRIS REDFERN	WES RETHERFORD
MARGARET RUHL	GARY K. SCHERER
FRED STRAHORN	ROLAND WINBURN

The report was agreed to.

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

Representative Letson submitted the following report:

The standing committee on Manufacturing and Workforce Development to which was referred **H. C. R. No. 33**-Representative Romanchuk, et al., having had the same under consideration, reports it back and recommends its adoption.

RE: AMERICAN LIGHTWEIGHT MATERIALS MANUFACTURING INNOVATION INSTITUTE

KIRK SCHURING	MARK J. ROMANCHUK
ROLAND WINBURN	TIMOTHY DERICKSON
DOUG GREEN	CHERYL GROSSMAN
DAVE HALL	JAY HOTTINGER
KRISTINA ROEGNER	KEVIN BOYCE
TOM LETSON	JOHN PATTERSON

The report was agreed to.

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

Representative Ashford 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. 280 – Representative Clyde

TO REPEAL CERTAIN AMENDMENTS AND ENACTMENTS INCLUDED IN AM. SUB. H.B. 59 OF THE 130TH GENERAL ASSEMBLY REGARDING THE RAPE CRISIS PROGRAM TRUST FUND, THE OHIO PARENTING AND PREGNANCY PROGRAM, AMBULATORY SURGICAL FACILITIES, ABORTION, AND THE DISTRIBUTION OF FAMILY PLANNING SERVICES FUNDS.

To the committee on Health and Aging

H.B. No. 281 – Representative Ruhl

TO REVISE THE LAW REGARDING TOBACCO AND NICOTINE USE IN PUBLIC SCHOOLS AND AT PUBLIC SCHOOL-SPONSORED FUNCTIONS, AND TO AMEND THE VERSION OF SECTION 3326.11 OF THE REVISED CODE THAT IS SCHEDULED TO TAKE EFFECT JULY 1, 2014, TO CONTINUE THE PROVISIONS OF THIS ACT ON OR AFTER THAT EFFECTIVE DATE.

To the committee on Education

H.B. No. 282 – Representative Rogers

TO AUTHORIZE VENDORS AND OTHERS REQUIRED TO HOLD A SALES OR USE TAX LICENSE WHOSE BUSINESS AND HOME ADDRESS IS THE SAME TO APPLY TO THE TAX COMMISSIONER TO KEEP SUCH ADDRESS CONFIDENTIAL.

To the committee on Ways and Means

H.B. No. 283 – Representatives Stinziano and Grossman

TO DESIGNATE “HANG ON SLOOPY,” WHICH INCLUDES THE FOLLOWING LYRICS, AS THE OFFICIAL STATE ROCK SONG: HANG ON SLOOPY, SLOOPY HANG ON; SLOOPY LIVES IN A VERY BAD PART OF TOWN; ALL THE GIRLS I KNOW THEY TRY TO PUT MY SLOOPY DOWN; SLOOPY, I DON’T CARE WHAT YOUR DADDY DO; DON’T YOU KNOW LITTLE GIRL, I’M IN LOVE WITH YOU; SLOOPY, LET YOUR HAIR DOWN, LET IT DOWN ON ME; COME ON SLOOPY LET YOUR HAIR DOWN, GIRL IT DOWN ON ME.

To the committee on State and Local Government

H.B. No. 284 – Representative Schuring

TO INCREASE THE MAXIMUM HISTORIC REHABILITATION TAX CREDIT ALLOWED TO A TAXPAYER, FROM \$5 MILLION TO \$25 MILLION, AND TO LIMIT THE AMOUNT OF SUCH CREDIT THAT MAY BE CLAIMED IN EACH YEAR TO \$5 MILLION.

To the committee on Ways and Means

H.B. No. 286 – Representatives Sears and Letson
TO AUTHORIZE THE OHIO DEVELOPMENTAL DISABILITIES
COUNCIL TO MEET VIA INTERACTIVE VIDEO CONFERENCE OR
TELECONFERENCE.

To the committee on Health and Aging

H.B. No. 287 – Representatives Letson and O'Brien
TO DESIGNATE THE "PERSIAN GULF VETERANS BRIDGE" AND
THE "IRAQ AND AFGHANISTAN VETERANS BRIDGE" WITHIN THE
MUNICIPAL CORPORATION OF NILES IN TRUMBULL COUNTY.

To the committee on Military and Veterans Affairs

H.B. No. 288 – Representative Ruhl
TO ELIMINATE THE TIME LIMIT WITHIN WHICH RETIRED AND
HONORABLE DISCHARGED MEMBERS OF THE ARMED FORCES OF
THE UNITED STATES ARE EXEMPT FROM THE REQUIREMENT TO
COMPLETE FIREARMS TRAINING AS A PREREQUISITE TO
OBTAINING A CONCEALED HANDGUN LICENSE.

To the committee on Military and Veterans Affairs

H.B. No. 289 – Representative Schuring
TO REQUIRE SUBDIVISIONS TO OBTAIN WRITTEN APPROVAL
FROM OWNERS AND LESSEES OF REAL PROPERTY LOCATED
WITHIN A PROPOSED OR EXISTING JOINT ECONOMIC
DEVELOPMENT ZONE (JEDZ) OR JOINT ECONOMIC DEVELOPMENT
DISTRICT (JEDD) BEFORE APPROVING, AMENDING, OR RENEWING
THE JEDZ OR JEDD CONTRACT, TO REQUIRE THAT INCOME TAX
REVENUE DERIVED FROM A JEDZ OR JEDD APPROVED, AMENDED,
OR RENEWED AFTER THE BILL'S EFFECTIVE DATE BE USED TO
CARRY OUT THE JEDZ OR JEDD ECONOMIC DEVELOPMENT PLAN
BEFORE BEING USED FOR OTHER PURPOSES, AND TO INSTITUTE
CONTIGUITY REQUIREMENTS FOR WHICH SUBDIVISIONS MAY
CREATE A JEDZ OR JEDD.

To the committee on State and Local Government

H.B. No. 290 – Representative Stebelton
REGARDING THE USE OF SCHOOL DISTRICT PREMISES BY
MEMBERS OF THE PUBLIC AND IMMUNITY FROM CIVIL LIABILITY
FOR A SCHOOL DISTRICT AND SCHOOLS WHEN PERMITTING
MEMBERS OF THE PUBLIC TO USE SCHOOL PREMISES.

To the committee on Education

H.B. No. 291 – Representatives Ramos and Rogers
TO MAKE AN APPROPRIATION TO CONTINUE TO FUND THE
SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN,
INFANTS, AND CHILDREN CONTINGENT UPON A LAPSE IN
FEDERAL FUNDING.

To the committee on Finance and Appropriations

H.B. No. 292 – Representative Perales
TO CREATE THE AEROSPACE AND TECHNOLOGY STUDY
COMMITTEE.

To the committee on Economic Development & Regulatory Reform

H.B. No. 293 – Representative Brenner
TO ESTABLISH THE SCHOOL DISTRICT TRANSPORTATION
CONSOLIDATION PILOT PROGRAM AND TO MAKE AN
APPROPRIATION.

To the committee on Education

H.B. No. 294 – Representative Brenner
TO CREATE A “SUPPORT SCHOOL CHOICE” LICENSE PLATE.

To the committee on Transportation, Public Safety and Homeland Security

H.B. No. 295 – Representative Hagan, R.
TO REQUIRE A LEGISLATIVE AGENT TO REPORT TO THE JOINT
LEGISLATIVE ETHICS COMMITTEE COMPENSATION PAID TO THE
AGENT BY THE AGENT’S EMPLOYER.

To the committee on State and Local Government

H.B. No. 296 – Representatives Johnson and Duffey
TO PERMIT PUBLIC SCHOOLS TO PROCURE EPINEPHRINE
AUTOINJECTORS IN ACCORDANCE WITH PRESCRIBED
PROCEDURES AND TO EXEMPT THEM FROM LICENSING
REQUIREMENTS RELATED TO THE POSSESSION OF EPINEPHRINE
AUTOINJECTORS.

To the committee on Education

Am. Sub. S.B. No. 193 – Senator Seitz
TO ELIMINATE INTERMEDIATE POLITICAL PARTIES, TO REVISE
THE PROCESSES FOR DETERMINING POLITICAL PARTY STATUS
AND FOR ESTABLISHING NEW POLITICAL PARTIES, AND TO
DECLARE AND EMERGENCY.

To the committee on Policy and Legislative Oversight

MATT HUFFMAN
JOHN ADAMS
DOROTHY PELANDA
MIKE ASHFORD

WILLIAM G. BATCHELDER
ANDREW BRENNER
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 Ashford 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. 36 – Representative Pelanda
TO DECLARE NOVEMBER 2013 AS “PANCREATIC CANCER
AWARENESS MONTH.”

To the committee on Health and Aging

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

H.R. No. 262 – Speaker Batchelder
Honoring the Ohio Veterans Hall of Fame on its 2013 induction ceremony.
Add the names: Huffman, Brenner, Pelanda, Kunze, J. Adams, Ashford, and Heard

H.R. No. 263 – Speaker Batchelder
Honoring Jenell Sullivan for outstanding service to the State of Ohio.
Add the name: Heard

H.R. No. 264 – Representative Roegner
Honoring the Hudson Middle School Power of the Pen team on winning the 2013 State Championship.

H.R. No. 265 – Representative Roegner
Honoring Tom Jenkins on winning a gold medal at the 2013 National Senior Games.

H.R. No. 266 – Representative Roegner
Honoring Robert McCarty as a 2013 National Senior Games gold medalist.

H.R. No. 267 – Representative Roegner
Honoring Dennis Nordquest as the 2012-2013 Outstanding National Host Client.

H.R. No. 268 – Representative Patterson
Honoring Mary Mahoney as a 2013 NCAA Division III Indoor Track and Field Champion.

/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 Huffman moved that the following resolution be read by title only and brought up for immediate adoption:

H. R. No. 269—Representative Celebrezze, Speaker Batchelder, Representatives Heard, 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, Cera, Clyde, Conditt, Curtin, Damschroder, DeVitis, Derickson, Dovilla, Driehaus, Duffey, Fedor, Foley, Gerberry, Gonzales, Green, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, 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, Sheehy, Slaby, Slesnick, Smith, Sprague, Stautberg, Stebelton, Stinziano, Strahorn, Sykes, Szollosi, Terhar, Thompson, Wachtmann, Williams, Winburn, Young.

In memory of Specialist Angel Luis Lopez.

The motion was agreed to without objection.

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

The resolution was adopted.

Representative Grossman moved that majority party members asking leave to be absent or absent the week of Wednesday, October 16, 2013, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Ashford moved that minority party members asking leave to be absent or absent the week of Wednesday, October 16, 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

Sub. H. B. No. 170-Representatives Johnson, Stinziano.

Cosponsors: Representatives Amstutz, Antonio, Gonzales, Grossman, Letson, Lynch, Maag, Milkovich, Phillips, Reece, Rogers, Sprague, Stebelton, Ramos, Barnes, Bishoff, Brown, Schuring, Sears, Smith.

To amend sections 4762.03, 4765.35, and 4765.37 and to enact sections 2925.61, 4723.488, 4730.431, and 4731.94 of the Revised Code to provide for increased access to naloxone, to ensure English proficiency in licensed practitioners of Oriental medicine and acupuncture, and to declare an emergency, was taken up for consideration the third time.

The question being, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted - yeas 95, nays 1, 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
Boyd	Brenner	Brown	Buchy
Budish	Burkley	Butler	Carney
Celebrezze	Cera	Clyde	Conditt
Curtin	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	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	Patmon	Patterson
Pelanda	Perales	Phillips	Pillich
Ramos	Reece	Retherford	Roegner
Rogers	Romanchuk	Rosenberger	Ruhl
Scherer	Schuring	Sears	Sheehy
Slaby	Slesnick	Smith	Sprague
Stautberg	Stinziano	Strahorn	Sykes
Terhar	Thompson	Wachtmann	Williams
Winburn	Young		Batchelder-95.

Representative Redfern voted in the negative-1.

Having received a constitutional majority, the emergency clause stood as part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

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
Boyd	Brenner	Brown	Buchy
Budish	Burkley	Butler	Carney
Celebrezze	Cera	Clyde	Conditt
Curtin	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	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	Patmon	Patterson
Pelanda	Perales	Phillips	Pillich
Ramos	Redfern	Reece	Retherford
Roegner	Rogers	Romanchuk	Rosenberger
Ruhl	Scherer	Schuring	Sears
Sheehy	Slaby	Slesnick	Smith
Sprague	Stautberg	Stinziano	Strahorn
Sykes	Terhar	Thompson	Wachtmann
Williams	Winburn	Young	Batchelder-96.

Having received the required constitutional majority, the bill passed as an emergency measure.

Representative Johnson moved to amend the title as follows:

Add the names: "Adams, R., Anielski, Ashford, Baker, Beck, Blair, Blessing, Boose, Boyd, Buchy, Budish, Burkley, Butler, Carney, Celebrezze, Curtin, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Fedor, Gerberry, Green, Hackett, Hagan, C., Hall, Hayes, Heard, Henne, Hill, Huffman, Landis, Lundy, Mallory, McClain, Patterson, Perales, Redfern, Rosenberger, Ruhl, Sheehy, Slaby, Strahorn, Terhar, 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. 27-Representatives Johnson, Mallory.

To urge the Internal Revenue Service to correct its policy of targeting tax-exempt status applications for additional review based on the applicant organization's presumed political affiliation, was taken up for consideration the third time.

Representative Johnson moved to amend the title as follows:

Add the names: "Adams, R., Amstutz, Anielski, Baker, Beck, Blair, Blessing, Brenner, Brown, Buchy, Butler, Damschroder, Derickson, Dovilla, Fedor, Grossman, Hackett, Hagan, C., Hall, Hayes, Hood, Hottinger, Huffman, Lynch, McClain, McGregor, Perales, Pillich, Retherford, Roegner, Romanchuk, Rosenberger, Ruhl, Scherer, Sears, Slaby, Smith, Sprague, Terhar, Thompson, Young, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

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

The yeas and nays were taken and resulted - yeas 73, nays 18, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Barborak	Beck	Becker
Bishoff	Blair	Blessing	Boose
Boyd	Brenner	Brown	Buchy
Burkley	Butler	Celebrezze	Cera
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Fedor	Gerberry	Gonzales
Green	Grossman	Hackett	Hagan, C.
Hall	Hayes	Henne	Hill
Hood	Hottinger	Huffman	Johnson
Kunze	Landis	Lundy	Lynch
Maag	Mallory	McClain	McGregor
Milkovich	Pelanda	Perales	Reece
Retherford	Roegner	Rogers	Romanchuk
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby	Slesnick	Smith
Sprague	Stautberg	Stinziano	Terhar
Thompson	Wachtmann	Williams	Young
			Batchelder-73.

Those who voted in the negative were: Representatives

Antonio	Ashford	Boyce	Carney
Clyde	Curtin	Driehaus	Foley
Hagan, R.	Heard	Letson	Patterson
Phillips	Ramos	Redfern	Sheehy
Strahorn			Sykes-18.

The concurrent resolution was adopted.

Representative Huffman moved that House Rule 66, pertaining to bills being placed on the calendar, be suspended and that **H. C. R. No. 33**-Representative Romanchuk, et al. be taken up for immediate consideration the third time.

The motion was agreed to without objection.

H. C. R. No. 33-Representative Romanchuk.

Cosponsors: Representatives Derickson, Hall, Letson, Slesnick.

To urge the United States Department of Defense to award funding to establish the American Lightweight Materials Manufacturing Innovation Institute, was taken up for consideration the third time.

Representative Romanchuk moved to amend the title as follows:

Add the names: "Adams, J., Adams, R., Amstutz, Anielski, Antonio, Baker, Barborak, Beck, Bishoff, Blair, Blessing, Boose, Brown, Buchy, Burkley, Butler, Damschroder, DeVitis, Dovilla, Fedor, Gerberry, Green, Grossman, Hackett, Hagan, C., Hagan, R., Hayes, Hill, Huffman, Johnson, Landis, Maag, McGregor, Milkovich, Patterson, Pelanda, Perales, Ramos, Retherford, Roegner, Rogers, Rosenberger, Ruhl, Scherer, Schuring, Sears, Smith, Sprague, Stautberg, Stinziano, Terhar, Wachtmann, Winburn, Young, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

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

The yeas and nays were taken and resulted - yeas 89, nays 0, as follows:

Those who voted in the affirmative were: Representatives

- | | | | |
|-----------|------------|-------------|----------------|
| Adams J. | Adams R. | Amstutz | Anielski |
| Antonio | Ashford | Baker | Barborak |
| Beck | Becker | Bishoff | Blair |
| Blessing | Boose | Boyce | Brenner |
| Brown | Buchy | Burkley | Butler |
| Carney | Celebrezze | Cera | Clyde |
| Conditt | Curtin | Damschroder | DeVitis |
| Derickson | Dovilla | Driehaus | 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 | Patterson |
| Pelanda | Perales | Phillips | Ramos |
| Redfern | Reece | Retherford | Roegner |
| Rogers | Romanchuk | Rosenberger | Ruhl |
| Scherer | Schuring | Sears | Sheehy |
| Slaby | Slesnick | Smith | Sprague |
| Stautberg | Stinziano | Strahorn | Sykes |
| Terhar | Thompson | Wachtmann | Winburn |
| | | | Batchelder-89. |

The concurrent resolution was adopted.

CLERK'S NOTATION

A PROTEST

We, the undersigned members of the Ohio House of Representatives, hereby protest the filing of a controlling board request by the Director of Medicaid, John McCarthy, seeking to appropriate additional funds specifically not appropriated in the prevailing appropriation act of the 130th General Assembly, Amended Substitute House Bill 59.

Specifically, the request seeks to expand Medicaid by making an "appropriation [that] would provide Medicaid coverage to adults without dependent children between 0%-138% of the Federal Poverty Level (FPL) and parents otherwise **not covered by current Medicaid eligibility levels** up to 138% FPL." (emphasis added). However, the request does not carry out the clear intent of the General Assembly as indicated in its passage of Am. Sub. House Bill 59 and should be denied.

Pursuant to R.C. 127.17, "[t]he controlling board shall take no action which does not carry out the legislative intent of the general assembly regarding program goals and levels of support of state agencies as expressed in the prevailing appropriation acts of the general assembly." In *State ex rel. Meshel v. Keip*, 66 Ohio St. 2d379 (1981), the Ohio Supreme Court applied R.C. 127.17 to declare a nullity an action by the Controlling Board that was contrary to the clear intent of the General Assembly.

Here, the clear intent of the Ohio General Assembly not to appropriate the funds contained in the request was expressed in its prevailing appropriation act, Am. Sub. HB 59:

- 1) The General Assembly included the following prohibition in Am. Sub HB 59: "The medicaid program **shall not cover** the group in the "Social Security Act," section 1902(a)(10)(A)(i)(VIII)." (emphasis added). The requested appropriation seeks "[t]o **cover** individuals listed under Section 1902(a)(10)(A)(i)(VIII) of the Social Security Act" (emphasis added);
- 2) The General Assembly added over \$400M in additional Medicaid funding to Am. Sub. HB 59 as a result of removing from the budget the same appropriation currently being requested by the Director of Medicaid;
- 3) The General Assembly did not appropriate any funds "[t]o cover individuals listed under Section 1902(a)(10)(A)(i)(VIII) of the Social Security Act," even though estimated state costs to do so are \$13 to \$22M.

The Ohio Constitution grants legislative authority solely to the Ohio General Assembly, an authority which cannot be delegated. This request is thinly-veiled legislation creating new eligibility levels and funding levels for Medicaid. In fact, the request itself admits as much.

Our protest is not about the merits or lack of merit in expanding Medicaid. Our protest goes to the fundamental form of government upon which our country was founded—a Republic of checks and balances and separation of powers. The General Assembly is a co-equal branch of government that made its intent abundantly clear. The controlling board request attempts to subvert that intent, and is contrary to the Ohio Constitution and current statutory law. For all these reasons, we protest the filing of the above described controlling board request.

/s/WILLIAM G. BATCHELDER

William G. Batchelder, 69th District

/s/MATT HUFFMAN

Matt Huffman, 4th District

/s/JOHN ADAMS

John Adams, 85th District

/s/CHERYL L. GROSSMAN

Cheryl L. Grossman, 23rd District

/s/JIM BUCHY

Jim Buchy, 84th District

/s/LOU TERHAR

Lou Terhar, 30th District

/s/JIM BUTLER

Jim Butler, 41st District

/s/LOUIS W. BLESSING III

Louis W. Blessing III, 29th District

/s/KRISTINA ROEGNER

Kristina Roegner, 37th District

/s/MICHAEL E. HENNE

Michael E. Henne, 40th District

/s/TERRY BLAIR

Terry Blair, 42nd District

/s/WES RETHERFORD

Wes Retherford, 51st District

/s/MARGARET K. CONDITT

Margaret K. Conditt, 52nd District

/s/JOHN BECKER

John Becker, 65th District

/s/DOUG GREEN

Doug Green, 66th District

/s/MARGARET ANN RUHL
Margaret Ann Ruhl, 68th District

/s/BILL HAYES
Bill Hayes, 72nd District

/s/TONY BURKLEY
Tony Burkley, 82nd District

/s/ROBERT COLE SPRAGUE
Robert Cole Sprague, 83rd District

/s/ANDY THOMPSON
Andy Thompson, 95th District

/s/RON AMSTUTZ
Ron Amstutz, 1st District

/s/TIM DERICKSON
Tim Derickson, 53rd District

/s/RICK PERALES
Rick Perales, 73rd District

/s/TERRY BOOSE
Terry Boose, 58th District

/s/JEFFREY A. MCCLAIN
Jeffrey A. McClain, 87th District

/s/RONALD MAAG
Ronald Maag, 62nd District

/s/MARK ROMANCHUK
Mark Romanchuk, 2nd District

/s/PETER BECK
Peter Beck, 54th District

/s/CLIFF ROSENBERGER
Cliff Rosenberger, 91st District

/s/RON HOOD
Ron Hood, 78th District

/s/MATT LYNCH
Matt Lynch, 76th District

/s/CHRISTINA HAGAN
Christina Hagan, 50th District

/s/DAVE HALL
Dave Hall, 70th District

/s/ANDREW BRENNER
Andrew Brenner, 67th District

/s/MARILYN SLABY

Marilyn Slaby, 38th District

/s/PETER STAUTBERG

Peter Stautberg, 27th District

/s/REX DAMSCHRODER

Rex Damschroder, 88th District

/s/LYNN R. WACHTMANN

Lynn R. Wachtmann, 81st District

/s/RON YOUNG

Ron Young, 61st District

On motion of Representative Huffman, the House adjourned until Thursday, October 17, 2013 at 9:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,
Clerk.