

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

WEDNESDAY, NOVEMBER 13, 2013

NINETY-FIRST DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, November 13, 2013, 1:30 p.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Lloyd Hopper of the Hamersville Baptist Church in Hamersville, 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:

Debra McDonald received H.R. 280, presented by Speaker Batchelder-69th district and Representative Amstutz-1st district.

Kyle Bolen received H.R. 258, presented by Representative Johnson-90th district.

Dylan Dyke received H.R. 235, presented by Representative Rosenberger-91st district.

The Youngstown ARS Composite Squadron 051 drill team received H.R. 286, presented by Representative O'Brien-63rd district.

Pat McBride, Jennifer Davis, and 6th grade students from Newton Local School District, guests of Representative Adams, R.-80th district.

Judge Ashley Pike, a guest of Representative Barborak-5th district.

Small business owners from the International Council of Shopping Centers, guests of Representative Stinziano-18th district.

David Finley, a guest of Representative Roegner-37th district.

Bob and Cindy Remm, guests, and Ron and Pat Henne, parents of Representative Henne-40th district.

Betty Hopper and Michelle Kaiser, guests of Representative Green-66th district.

Chuck Emery, a guest of Representative Rosenberger-91st district.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 348**-Representatives Henne, Hagan, C.  
Cosponsors: Representatives Sears, Adams, J., Becker, Maag, Phillips, Butler, Terhar, Stebelton, Hackett.

To enact section 3345.86 of the Revised Code to prohibit state institutions of higher education from requiring students to be covered by a health insurance policy or a health care benefits plan as a condition of enrollment or from automatically enrolling students in such policies or plans.

**H. B. No. 349**-Representative Hackett.

To amend sections 2929.01, 2929.13, and 2929.14 and to enact section 2941.1424 of the Revised Code to require an additional definite term of imprisonment of 5 to 10 years for an offender who is convicted of or pleads guilty to a felony offense of violence if the offender is convicted of or pleads guilty to a specification that the victim suffered permanent disabling harm.

**H. B. No. 350**-Representative Patterson.

To amend section 4503.181 of the Revised Code to revise the purposes for which a historical vehicle may be operated.

**H. B. No. 351**-Representative Becker.

Cosponsors: Representatives Hood, Adams, J., Young, Buchy.

To amend sections 9.04, 1739.05, and 5101.56 and to enact sections 1751.68 and 3923.591 of the Revised Code to prohibit insurers from offering coverage for abortion services.

Said bills were considered the first time.

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

Representative Gerberry submitted the following report:

The standing committee on Policy and Legislative Oversight to which was referred **Am. Sub. S. B. No. 141**-Senators Obhof, Hughes, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CASINO GAMING/TRANSACTIONS WITH CASINO  
FACILITIES-PENALTIES

MIKE DOVILLA  
RON GERBERRY  
LOUIS W. BLESSING  
MATT HUFFMAN  
RICK PERALES  
KATHLEEN CLYDE

JIM BUCHY  
JOHN ADAMS  
ANDREW BRENNER  
DOROTHY PELANDA  
JACK CERA  
MICHAEL F. CURTIN

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, November 13, 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, November 13, 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. 247**-Representative Stebelton.

Cosponsors: Representatives Huffman, Butler, Sears, Becker, Lynch, Antonio, Barnes, Bishoff, Brown, Carney, Schuring.

To amend sections 2305.235 and 3701.85 of the Revised Code to make clear that any person may perform automated external defibrillation and to extend qualified immunity from civil liability to premises owners and other persons involved with automated external defibrillator placement and use, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Antonio moved to amend as follows:

In line 38, after "placed" insert ". as long as the automated external defibrillator is maintained in accordance with the manufacturer's specifications"

The question being, "Shall the motion to amend be agreed to?"

Representative Sears moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 58, nays 39, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Blessing	Boose	Brenner	Buchy
Burkley	Butler	Conditt	Damschroder
DeVitis	Derickson	Dovilla	Duffey
Gonzales	Green	Grossman	Hackett
Hagan, C.	Hall	Hayes	Henne

Hill	Hood	Hottinger	Huffman
Johnson	Kunze	Landis	Lynch
Maag	McClain	McGregor	Pelanda
Perales	Retherford	Roegner	Romanchuk
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby	Smith	Sprague
Stautberg	Stebelton	Terhar	Thompson
Young			Batchelder-58.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Bishoff	Boyce	Boyd	Brown
Budish	Carney	Celebrezze	Cera
Clyde	Curtin	Driehaus	Fedor
Foley	Gerberry	Hagan, R.	Heard
Letson	Lundy	Mallory	Milkovich
O'Brien	Patmon	Patterson	Phillips
Ramos	Redfern	Reece	Rogers
Sheehy	Slesnick	Stinziano	Strahorn
Sykes	Williams		Winburn-39.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 97, 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	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	Ramos	Redfern	Reece
Retherford	Roegner	Rogers	Romanchuk
Rosenberger	Ruhl	Scherer	Schuring
Sears	Sheehy	Slaby	Slesnick
Smith	Sprague	Stautberg	Stebelton
Stinziano	Strahorn	Sykes	Terhar
Thompson	Williams	Winburn	Young
			Batchelder-97.

The bill passed.

Representative Stebelton moved to amend the title as follows:

Add the names: "Adams, R., Amstutz, Anielski, Beck, Blair, Boose, Buchy, Burkley, Celebrezze, DeVitis, Dovilla, Duffey, Green, Grossman, Hackett, Hagan, C., Hall, Hayes, Heard, Hill, Hottinger, Johnson, Landis, Maag, Mallory, McClain, Milkovich, O'Brien, Roegner, Rogers, Ruhl, Slaby, Smith, Sprague, Stinziano, Winburn, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

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

Cosponsors: Representatives Gonzales, Duffey, Hood, Ruhl, Strahorn, Becker, Pillich, Grossman, Hackett, Stebelton, Wachtmann, Brown, Lynch, Sears, Smith.

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 apply to the sale or distribution to, and possession or use by, minors of cigarettes and other tobacco products 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?"

Representative Huffman moved that **Sub. H. B. No. 144**-Representative Kunze, et al., be informally passed and retain its place on the calendar.

The motion was agreed to.

**Sub. H. B. No. 5**-Representatives Grossman, Henne.

Cosponsors: Representatives Amstutz, Beck.

To amend sections 709.023, 718.02, 718.03, 718.051, 718.07, 718.09, 718.10, 718.11, 718.121, 718.13, 5703.059, 5703.57, 5717.011, 5717.03, 5739.12, 5739.124, 5741.122, 5747.063, 5747.064, 5747.50, and 5751.07, to amend, for the purpose of adopting a new section number as indicated in parentheses, section 718.04 (718.50), to enact new sections 718.01, 718.011, 718.04, 718.05, 718.06, 718.08, and 718.12 and sections 718.012, 718.031, 718.052, 718.18, 718.19, 718.22 to 718.28, 718.30, 718.31, 718.35, 718.38, 718.41, and 718.99, to repeal sections 718.01, 718.011, 718.041, 718.05, 718.06, 718.08, 718.12, and 718.14 of the Revised Code, and to amend the version of section 5703.02 of the Revised Code that is scheduled to take effect January 1, 2015, to revise the laws governing income taxes imposed by municipal corporations, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Beck moved to amend as follows:

In line 204, reinsert "(J) Division"; after the stricken "(H)(12)" insert "(C)(18)"; reinsert the balance of the line

Reinsert lines 205 through 208

In line 449, after " (18)" insert "Compensation paid to a person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to section 709.023 of the Revised Code on or after March 27, 2013, unless the person is subject to such taxation because of residence. If the compensation is subject to taxation because of residence, municipal income tax shall be payable only to the municipal corporation of residence.

(19)"

In line 932, delete the first "of" and insert "or"

In line 1382, delete "the fifteenth day of"

In line 1743, after "718.05." insert "(A)"

In line 1752, delete "(A)" and insert "(B)"

In line 1756, delete "(B)" and insert "(C)"

In line 1762, delete "(C)" and insert "(D)"

In line 1764, delete "(D)" and insert "(E)"

In line 1766, delete "(E)" and insert "(F)"

In line 1838, delete "(F)" and insert "(G)"

In line 1868, delete "(F)" and insert "(G)"

In line 1876, after "which" insert "the tax administrator estimates"

In line 1877, delete "has" and insert "would have been"; after "extended" insert "had the taxpayer requested and obtained a federal extension. The tax administrator's estimate shall be based on federal income tax return extensions granted based on other similar requests"

In line 1878, before "Upon" insert "(4)"

In line 1880, delete "(4)" and insert "(5)"

In line 1886, delete "(5)" and insert "(6)"

In line 1892, delete "(6)" and insert "(7)"

In line 1895, delete "(G)" and insert "(H)"

In line 1899, delete " (G)" and insert " (H)"

In line 1901, delete " (E)" and insert " (F)"

In line 1902, delete " (H)" and insert " (I)"

In line 1926, delete " (I)" and insert " (J)"

In line 1934, delete " (J)" and insert " (K)"

In line 1951, delete " (K)" and insert " (L)"

In line 1962, delete " (L)" and insert " (M)"

In line 2308, delete " (F)" and insert " (G)"

In line 2720, delete all after " rate"

In line 2721, delete " is defined in" and insert " described in division (A)(5) of"

In line 3134, delete the underlined semicolon

Delete lines 3135 through 3138

In line 3139, delete " June 30, 2015"

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 67, nays 30, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Barborak	Barnes	Beck
Becker	Blair	Blessing	Boose
Brenner	Brown	Buchy	Burkley
Butler	Cera	Conditt	Curtin
Damschroder	DeVitis	Derickson	Dovilla
Duffey	Gonzales	Green	Grossman
Hackett	Hagan, C.	Hall	Hayes
Henne	Hill	Hood	Hottinger
Huffman	Johnson	Kunze	Landis
Letson	Lynch	Maag	McClain
McGregor	Patmon	Pelanda	Perales
Retherford	Roegner	Rogers	Romanchuk
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby	Smith	Sprague
Stautberg	Stebelton	Sykes	Terhar
Thompson	Young		Batchelder-67.

Those who voted in the negative were: Representatives

Antonio	Ashford	Bishoff	Boyce
Boyd	Budish	Carney	Celebrezze
Clyde	Driehaus	Fedor	Foley
Gerberry	Hagan, R.	Heard	Lundy

Mallory  
Phillips  
Sheehy  
Williams

Milkovich  
Ramos  
Slesnick

O'Brien  
Redfern  
Stinziano

Patterson  
Reece  
Strahorn  
Winburn-30.

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

Representative Letson moved to amend as follows:

In line 506, delete " (E)(8)(b), (c), and (d)" and insert " (E)(8)(c) and (d)"

In line 515, before " For" insert " (b)"

In line 519, delete all after " forward"

Delete line 520 and insert " as follows."

In line 522, delete the underlined period and insert an underlined colon

Between lines 522 and 523, insert:

" (i) If the municipal corporation levied an income tax before January 1, 2015, and by a resolution or ordinance adopted before that date, did not authorize net operating loss to be carried forward or authorized net operating loss to be carried forward for either one, three, or five taxable years after the taxable year in which the net operating loss was incurred, for the number of years, if any, specified in that resolution or ordinance.

(ii) If the municipal corporation levied an income tax before January 1, 2015, and by a resolution or ordinance adopted before that date, authorized net operating loss to be carried forward for any number of years other than one, three, or five taxable years after the taxable year in which the net operating loss was incurred, for the number of years resulting from rounding down the number of years specified in that resolution or ordinance to either one, three, or five years.

(iii) If the municipal corporation did not levy an income tax before January 1, 2015, for five years. Division (E)(8)(b)(iii) of this section does not apply to a joint economic development zone or joint economic development district created on or after January 1, 2015, by contract entered into under any of sections 715.69 to 715.82 of the Revised Code if one of the municipal corporations that is a party to that contract levies an income tax before January 1, 2015."

In line 523, delete " (b)" and insert " (c)"

Delete lines 525 through 534

Delete lines 538 through 542

The question being, "Shall the motion to amend be agreed to?"

Representative Sears moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 56, nays 41, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Boose	Brenner	Brown	Buchy
Burkley	Butler	Conditt	Damschroder
DeVitis	Derickson	Dovilla	Gonzales
Green	Grossman	Hackett	Hagan, C.
Hall	Hayes	Henne	Hill
Hood	Hottinger	Huffman	Johnson
Kunze	Landis	Lynch	Maag
McClain	Pelanda	Perales	Retherford
Roegner	Romanchuk	Rosenberger	Ruhl
Scherer	Schuring	Sears	Slaby
Smith	Sprague	Stautberg	Stebelton
Terhar	Thompson	Young	Batchelder-56.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Bishoff	Blessing	Boyce	Boyd
Budish	Carney	Celebrezze	Cera
Clyde	Curtin	Driehaus	Duffey
Fedor	Foley	Gerberry	Hagan, R.
Heard	Letson	Lundy	Mallory
McGregor	Milkovich	O'Brien	Patmon
Patterson	Phillips	Ramos	Redfern
Reece	Rogers	Sheehy	Slesnick
Stinziano	Strahorn	Sykes	Williams
			Winburn-41.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Foley moved to amend as follows:

In line 418, delete the first underlined comma and insert "and"; delete "and"

In line 419, delete "(d)"; delete "(B)(1)"

In line 420, delete "or"

In line 422, delete "either of those divisions" and insert "that division"

In line 427, delete all after "(c)"

Delete lines 428 through 430

In line 431, delete "(d)"

In line 434, delete all after "(i)"

Delete lines 435 through 438

In line 439, delete " section 718.011 of the Revised Code, the" and insert " The"

In line 443, delete " (d)" and insert " (c)"

In line 448, delete " twenty" and insert " twelve"

In line 888, delete " twenty" and insert " twelve"

In line 913, delete " twenty" and insert " twelve"

In line 959, after the underlined period insert " Taxes withheld and paid under this section to the municipal corporation in which the employee's principal place of work is located are refundable to the employee."

In line 960, delete all after " (D)"

Delete lines 961 through 978 and insert " If, during a calendar year, the number of days an employee spends performing personal services in a municipal corporation exceeds the twelve-day threshold described in division (B)(1) of this section, the employer shall withhold tax for every day, including the first twelve days, in that calendar year on which the employer pays qualifying wages to the employee for personal services performed in that municipal corporation."

The question being, "Shall the motion to amend be agreed to?"

Representative Sears moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 58, nays 39, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Boose	Brenner	Brown	Buchy
Burkley	Butler	Conditt	Damschroder
DeVitis	Derickson	Dovilla	Duffey
Gonzales	Green	Grossman	Hackett
Hagan, C.	Hall	Hayes	Henne
Hill	Hood	Hottinger	Huffman
Johnson	Kunze	Landis	Lynch
Maag	McClain	McGregor	Pelanda
Perales	Retherford	Roegner	Romanchuk
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby	Smith	Sprague
Stautberg	Stebelton	Terhar	Thompson
Young			Batchelder-58.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Bishoff	Blessing	Boyce	Boyd
Budish	Carney	Celebrezze	Cera

Clyde	Curtin	Driehaus	Fedor
Foley	Gerberry	Hagan, R.	Heard
Letson	Lundy	Mallory	Milkovich
O'Brien	Patmon	Patterson	Phillips
Ramos	Redfern	Reece	Rogers
Sheehy	Slesnick	Stinziano	Strahorn
Sykes	Williams		Winburn-39.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Curtin moved to amend as follows:

In line 277, after the underlined comma insert "except to the extent otherwise authorized by resolution or ordinance."

In line 279, after "shall" insert "not"

In line 280, after "resident" insert "or of another pass-through entity in which the resident has an ownership interest that is"

In line 282, after "shall" insert "not"

Delete lines 285 through 290

The question being, "Shall the motion to amend be agreed to?"

Representative Sears moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 57, nays 40, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Boose	Brenner	Brown	Buchy
Burkley	Butler	Conditt	Damschroder
DeVitis	Derickson	Dovilla	Gonzales
Green	Grossman	Hackett	Hagan, C.
Hall	Hayes	Henne	Hill
Hood	Hottinger	Huffman	Johnson
Kunze	Landis	Lynch	Maag
McClain	McGregor	Pelanda	Perales
Retherford	Roegner	Romanchuk	Rosenberger
Ruhl	Scherer	Schuring	Sears
Slaby	Smith	Sprague	Stautberg
Stebelton	Terhar	Thompson	Young
			Batchelder-57.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Bishoff	Blessing	Boyce	Boyd
Budish	Carney	Celebrezze	Cera
Clyde	Curtin	Driehaus	Duffey

Fedor	Foley	Gerberry	Hagan, R.
Heard	Letson	Lundy	Mallory
Milkovich	O'Brien	Patmon	Patterson
Phillips	Ramos	Redfern	Reece
Rogers	Sheehy	Slesnick	Stinziano
Strahorn	Sykes	Williams	Winburn-40.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 56, nays 41, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Amstutz	Anielski	Baker
Beck	Becker	Blair	Boose
Brenner	Brown	Buchy	Burkley
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Duffey	Gonzales	Green
Grossman	Hackett	Hagan, C.	Hall
Hayes	Henne	Hill	Hood
Hottinger	Huffman	Johnson	Kunze
Landis	Lynch	Maag	McClain
Pelanda	Perales	Retherford	Roegner
Romanchuk	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby	Slesnick
Smith	Sprague	Stautberg	Stebelton
Terhar	Thompson	Young	Batchelder-56.

Those who voted in the negative were: Representatives

Adams R.	Antonio	Ashford	Barborak
Barnes	Bishoff	Blessing	Boyce
Boyd	Budish	Butler	Carney
Celebrezze	Cera	Clyde	Curtin
Driehaus	Fedor	Foley	Gerberry
Hagan, R.	Heard	Letson	Lundy
Mallory	McGregor	Milkovich	O'Brien
Patmon	Patterson	Phillips	Ramos
Redfern	Reece	Rogers	Sheehy
Stinziano	Strahorn	Sykes	Williams
			Winburn-41.

The bill passed.

Representative Grossman moved to amend the title as follows:

Add the names: "Adams, J., Blair, Brenner, Buchy, DeVitis, Hagan, C., Hood, Maag, Retherford, Roegner, Ruhl, Scherer, Sears, Terhar, Thompson, Young, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. C. R. No. 29-Representative Thompson.**

Cosponsors: Representatives Becker, Hood, Retherford, Buchy, Johnson, Brenner, Hill, Cera, Barborak.

To urge the President of the United States to halt the Environmental Protection Agency's costly and harmful pursuit of regulations that restrict fuel diversity for electricity generation and to pursue new fuel diversity policies, was taken up for consideration the third time.

Representative Thompson moved to amend the title as follows:

Add the names: "Adams, J., Adams, R., Amstutz, Beck, Blair, Blessing, Boose, Brown, Burkley, Butler, Conditt, Damschroder, Derickson, Dovilla, Green, Hackett, Hagan, C., Hall, Hayes, Henne, Hottinger, Huffman, Landis, Lynch, Maag, McClain, McGregor, Pelanda, Roegner, Romanchuk, Rosenberger, Ruhl, Scherer, Schuring, Sears, Smith, Sprague, Stautberg, Stebelton, Terhar, 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?"

Representative Redfern moved to amend.

Speaker Batchelder ruled the amendment out of order.

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

The yeas and nays were taken and resulted - yeas 68, nays 23, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Barborak	Beck	Becker
Bishoff	Blair	Blessing	Boose
Brenner	Brown	Buchy	Burkley
Butler	Cera	Conditt	Damschroder
DeVitis	Derickson	Dovilla	Duffey
Gonzales	Green	Grossman	Hackett
Hagan, C.	Hall	Hayes	Henne
Hill	Hood	Hottinger	Huffman
Johnson	Kunze	Landis	Lundy
Lynch	Maag	McClain	McGregor
Milkovich	O'Brien	Patterson	Pelanda
Retherford	Roegner	Rogers	Romanchuk
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby	Slesnick	Smith
Sprague	Stautberg	Stebelton	Stinziano
Terhar	Thompson	Young	Batchelder-68.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Boyce
Carney	Celebrezze	Clyde	Curtin
Driehaus	Fedor	Foley	Gerberry
Hagan, R.	Heard	Letson	Mallory
Phillips	Ramos	Reece	Sheehy
Strahorn	Sykes		Winburn-23.

The concurrent resolution was adopted.

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

Cosponsors: Representatives Gonzales, Duffey, Hood, Ruhl, Strahorn, Becker, Pillich, Grossman, Hackett, Stebelton, Wachtmann, Brown, Lynch, Sears, Smith.

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 apply to the sale or distribution to, and possession or use by, minors of cigarettes and other tobacco products 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 3, nays 89, as follows: Representatives Amstutz, Becker, and Batchelder voted in the affirmative-3.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Anielski	Antonio
Ashford	Baker	Barborak	Barnes
Beck	Bishoff	Blair	Blessing
Boose	Boyce	Brenner	Brown
Buchy	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	Phillips
Ramos	Reece	Retherford	Roegner
Rogers	Romanchuk	Rosenberger	Ruhl
Scherer	Schuring	Sears	Sheehy
Slaby	Slesnick	Smith	Sprague
Stautberg	Stebelton	Stinziano	Strahorn
Sykes	Terhar	Thompson	Winburn
			Young-89.

Not having received a constitutional majority, the emergency clause failed of passage.

The question being, "Shall the bill pass?"

Representative Antonio moved to amend as follows:

In line 8, delete "sections 2151.87," and insert "section"; delete ", 2927.021, and"

In line 9, delete "2927.022"

Delete lines 10 through 92

In line 98, delete " alternative nicotine products."

In line 103, after "(2)" delete the balance of the line

Delete lines 104 through 116

In line 117, delete " (3)"

In line 119, delete " (4)" and insert " (3)"

In line 121, delete " (5)" and insert " (4)"

In line 122, delete " alternative nicotine products."

In line 124, delete " alternative nicotine products."

Delete lines 126 through 135

Between lines 135 and 136 insert:

" (5) "Electronic smoking device" means any electronic device that can be used to deliver nicotine to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe, or any cartridge or component of the device."

In line 136, delete " (7)" and insert " (6)"

In line 141, delete " (8)" and insert " (7)(a)"; after "made" insert " or derived"

In line 142, after "tobacco" insert " or contains nicotine"; after "cigar," insert " an electronic smoking device."

In line 143, strike through "or"; after "snuff" insert " , or snus"

Between lines 143 and 144, insert:

" (b) "Tobacco product" does not include any of the following:

(i) Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g)(1);

(ii) Any product that is a "device" as that term is defined in 21 U.S.C. 321(h);

(iii) Any product that is a "combination product" as described in 21 U.S.C. 353(g)."

In line 144, delete "(9)" and insert "(8)"

In line 147, delete "alternative"

In line 148, delete "nicotine products."

In line 151, delete "alternative nicotine products."

In line 154, delete "alternative nicotine products."

In line 157, delete "alternative nicotine products."

In line 160, delete "alternative"

In line 161, delete "nicotine products."

In line 165, delete "alternative nicotine"

In line 166, delete "products."

In line 171, delete "alternative nicotine product" and insert "electronic smoking device"

In line 174, delete "alternative nicotine"

In line 175, delete "products."; delete the second underlined comma

In line 178, reinsert "or" and delete the underlined comma

In line 179, delete ", or alternative nicotine products"

In line 190, reinsert "and" and delete the first underlined comma; delete ", and alternative nicotine"

In line 191, delete "product"

In line 206, delete "alternative nicotine products."

In line 212, delete "alternative nicotine products."

In line 224, reinsert "or" and delete the underlined comma; delete "or alternative nicotine"

Delete lines 225 and 226

In line 227, delete "nicotine products is"

In line 230, reinsert "or" and delete the first underlined comma; delete ", or"

In line 231, delete "alternative nicotine products"

In line 234, reinsert "or" and delete the underlined comma

In line 235, after the first "products," delete the balance of the line

Delete line 236

In line 237, delete " other tobacco products, or alternative nicotine products is"

In line 240, reinsert "or"; delete both underlined commas

In line 241, delete " or alternative nicotine products"

In line 243, delete " alternative"

In line 244, delete " nicotine products."

Delete lines 250 through 388

In line 389, delete "sections 2151.87," and insert "section"; delete ", 2927.021,"

In line 390, delete "and 2927.022"; delete "are" and insert "is"

In line 391, delete "sections" and insert "section"

In line 392, delete "2151.87, "; delete ", 2927.021, and 2927.022"

In line 399, delete "alternative nicotine products" and insert "electronic smoking devices"

In line 1 of the title, delete "sections 2151.87," and insert "section"; delete ", 2927.021, and"

In line 2 of the title, delete "2927.022"

In line 3 of the title, delete "alternative nicotine products" and insert "electronic smoking devices"

The question being, "Shall the motion to amend be agreed to?"

Representative Sears moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 58, nays 33, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Blessing	Boose	Brenner	Brown
Buchy	Burkley	Butler	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Duffey	Gonzales	Green	Grossman
Hackett	Hagan, C.	Hall	Hayes
Henne	Hill	Hood	Hottinger
Huffman	Johnson	Kunze	Landis
Lynch	Maag	McClain	McGregor
Pelanda	Retherford	Roegner	Romanchuk
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby	Smith	Sprague
Stautberg	Stebelton	Terhar	Thompson
Young			Batchelder-58.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Bishoff	Boyce	Carney	Celebrezze
Cera	Clyde	Curtin	Driehaus
Fedor	Foley	Gerberry	Hagan, R.
Heard	Letson	Lundy	Milkovich
O'Brien	Patmon	Patterson	Phillips
Ramos	Reece	Rogers	Sheehy
Slesnick	Stinziano	Strahorn	Sykes
			Winburn-33.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Ramos moved to amend as follows:

In line 8, delete "and"

In line 9, after "2927.022" insert ", 3794.01, and 3794.02"

Between lines 388 and 389, insert:

" **Sec. 3794.01** , **Definitions.**

As used in this chapter:

(A) "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted smoking device for burning tobacco or any other plant or inhaling, exhaling, or producing vapor from any electronic cigarette or other alternative nicotine product. "Smoking" does not include the burning of incense in a religious ceremony.

(B) "Public place" means an enclosed area to which the public is invited or in which the public is permitted and that is not a private residence.

(C) "Place of employment" means an enclosed area under the direct or indirect control of an employer that the employer's employees use for work or any other purpose, including but not limited to, offices, meeting rooms, sales, production and storage areas, restrooms, stairways, hallways, warehouses, garages, and vehicles. An enclosed area as described herein is a place of employment without regard to the time of day or the presence of employees.

(D) "Employee" means a person who is employed by an employer, or who contracts with an employer or third person to perform services for an employer, or who otherwise performs services for an employer for compensation or for no compensation.

(E) "Employer" means the state or any individual, business, association, political subdivision, or other public or private entity, including a nonprofit entity, that employs or contracts for or accepts the provision of services from one or more employees.

(F) "Enclosed Area" means an area with a roof or other overhead

covering of any kind and walls or side coverings of any kind, regardless of the presence of openings for ingress and egress, on all sides or on all sides but one.

(G) "Proprietor" means an employer, owner, manager, operator, liquor permit holder, or person in charge or control of a public place or place of employment.

(H) "Retail tobacco store" means a retail establishment that derives more than eighty ~~percent~~ per cent of its gross revenue from the sale of cigars, cigarettes, pipes, or other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Retail tobacco store" does not include a tobacco department or section of a larger commercial establishment or of any establishment with a liquor permit or of any restaurant.

(I) "Outdoor patio" means an area that is either: enclosed by a roof or other overhead covering and walls or side coverings on not more than two sides; or has no roof or other overhead covering regardless of the number of walls or other side coverings.

**Sec. 3794.02 , Smoking Prohibitions.**

(A) No proprietor of a public place or place of employment, except as permitted in section 3794.03 of ~~this chapter~~ the Revised Code, shall permit smoking in the public place or place of employment or in the areas directly or indirectly under the control of the proprietor immediately adjacent to locations of ingress or egress to the public place or place of employment.

(B) A proprietor of a public place or place of employment shall ensure that tobacco smoke or nicotine vapor does not enter any area in which smoking is prohibited under this chapter through entrances, windows, ventilation systems, or other means.

(C) No person or employer shall discharge, refuse to hire, or in any manner retaliate against an individual for exercising any right, including reporting a violation, or performing any obligation under this chapter.

(D) No person shall refuse to immediately discontinue smoking in a public place, place of employment, or establishment, facility or outdoor area declared nonsmoking under section 3794.05 of ~~this chapter~~ the Revised Code when requested to do so by the proprietor or any employee of an employer of the public place, place of employment or establishment, facility or outdoor area.

(E) Lack of intent to violate a provision of this chapter shall not be a defense to a violation."

In line 390, delete "and"; after "2927.022" insert ", 3794.01, and 3794.02"

In line 392, delete "and"; after "2927.022" insert ", 3794.01, and 3794.02"

In line 397, delete "afford the state's" and insert "protect"

In line 398, delete "the protection afforded by this act"

In line 399, after "products" insert "and Ohioans from exposure to vapors produced by alternative nicotine products"

In line 1 of the title, delete "and"

In line 2 of the title, after "2927.022" insert ", 3794.01, and 3794.02"

In line 4 of the title, after "to" insert "smoking in public places and to"

The question being, "Shall the motion to amend be agreed to?"

Representative Sears moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 56, nays 34, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Boose	Brenner	Brown	Buchy
Burkley	Conditt	Damschroder	DeVitis
Derickson	Dovilla	Duffey	Gonzales
Green	Grossman	Hackett	Hagan, C.
Hall	Hayes	Henne	Hill
Hood	Hottinger	Huffman	Johnson
Kunze	Landis	Lynch	Maag
McClain	McGregor	Pelanda	Retherford
Roegner	Romanchuk	Rosenberger	Ruhl
Scherer	Schuring	Sears	Slaby
Smith	Sprague	Stautberg	Stebelton
Terhar	Thompson	Young	Batchelder-56.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Bishoff	Boyce	Carney	Celebrezze
Cera	Clyde	Curtin	Driehaus
Fedor	Foley	Gerberry	Hagan, R.
Heard	Letson	Lundy	Mallory
Milkovich	O'Brien	Patmon	Patterson
Phillips	Ramos	Reece	Rogers
Sheehy	Slesnick	Stinziano	Strahorn
Sykes			Winburn-34.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 67, nays 25, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Blessing	Boose	Boyce	Brenner
Brown	Buchy	Burkley	Butler
Cera	Conditt	Damschroder	DeVitis
Derickson	Dovilla	Duffey	Gonzales
Green	Grossman	Hackett	Hagan, C.
Hall	Hayes	Henne	Hill
Hood	Hottinger	Huffman	Johnson
Kunze	Landis	Lynch	Maag
McClain	McGregor	O'Brien	Patmon
Pelanda	Reece	Retherford	Roegner
Rogers	Romanchuk	Rosenberger	Ruhl
Scherer	Schuring	Sears	Slaby
Slesnick	Smith	Sprague	Stautberg
Stebelton	Stinziano	Sykes	Terhar
Thompson	Young		Batchelder-67.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Bishoff	Carney	Celebrezze	Clyde
Curtin	Driehaus	Fedor	Foley
Gerberry	Hagan, R.	Heard	Letson
Lundy	Mallory	Milkovich	Patterson
Phillips	Ramos	Sheehy	Strahorn
			Winburn-25.

The bill passed.

Representative Kunze moved to amend the title as follows:

Add the names: "Amstutz, Baker, Blair, Boose, Brenner, Buchy, Burkley, Butler, DeVitis, Green, Hagan, C., Hayes, Huffman, Johnson, McClain, Patmon, Pelanda, Romanchuk, Scherer, Sprague, 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 November 13, 2013, signed the following:

**Am. Sub. H.B. No. 98** - Representatives Gonzales, Retherford - et al.

**H.B. No. 142** - Representatives Schuring, Heard - et al.

On motion of Representative Huffman, the House adjourned until Thursday, November 14, 2013 at 9:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,  
Clerk.