

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, MARCH 24, 2015

## THIRTY-FIRST DAY

Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, March 24, 2015, 9:00 o'clock a.m.**

The House met pursuant to adjournment.

Pursuant to House Rule No. 23, the Clerk called the House to order.

Representative Dovilla was selected to preside under the Rule.

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

**MESSAGE FROM THE SPEAKER**

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following changes to the standing committee on Education:

Remove Representative Roegner; appoint Representative Dovilla.

**MESSAGE FROM THE SPEAKER**

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following changes to the standing committee on Rules and Reference:

Remove Representative Kunze; appoint Representative Dovilla.

On motion of Representative Hood, the House recessed.

The House met pursuant to recess.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 129** - Representative Barnes.

Cosponsors: Representatives Patmon, Sweeney.

To amend section 5747.01 and to enact section 3701.139 of the Revised Code to establish the Hope for a Smile Program.

**H. B. No. 130** - Representatives Hagan, Duffey.

Cosponsors: Representatives Amstutz, Henne, Perales, Ruhl, Maag, Blessing, Retherford, Bishoff, Brown, Brenner, Hackett, Leland.

To amend section 149.43 and to enact sections 117.432, 149.60, 149.62, and 149.65 of the Revised Code to create the DataOhio Board, to specify requirements for posting public records online, to require the Auditor of State to adopt rules regarding a uniform accounting system for public offices, to

establish an online catalog of public data at data.Ohio.gov, to establish the Local Government Information Exchange Grant Program, and to make an appropriation.

**H. B. No. 131** - Representative Pelanda.

To amend sections 901.23, 921.12, 941.01, 941.03, 941.04, 941.06, 941.07, 941.09, 941.10, 941.11, 941.14, 943.02, 943.14, 1327.46, 1327.48, 1327.50, 1327.501, 1327.61, 1327.99, and 4707.02 and to enact section 1327.502 of the Revised Code to include diseases of concern within the scope of the Animal Diseases Law, and to make changes to the laws governing weights and measures, livestock dealers, and auctioneers, the membership of the Farmland Preservation Advisory Board, and the pesticide licensing renewal process.

**H. B. No. 132** - Representatives Lepore-Hagan, Bishoff.

Cosponsors: Representatives Antonio, Kuhns, Howse, Slesnick, Clyde, Fedor, Celebrezze, Sykes, Johnson, G., Sheehy, Phillips, Reece, Boyd.

To amend sections 121.22, 2907.29, 3313.60, 3313.6011, 3314.03, 3326.11, 3328.24, 4729.16, 4729.18, and 4729.35 and to enact sections 1751.68, 3701.049, 3727.61, 3727.611, 3727.612, 3923.84, 4729.44, and 4729.45 of the Revised Code regarding coverage for prescription contraceptive drugs and devices, the provision of certain hospital and pregnancy prevention services for victims of sexual assault, and comprehensive sexual health and sexually transmitted infection education in schools.

**H. B. No. 133** - Representatives Schaffer, Ashford.

To amend sections 5739.02 and 5747.98 and to enact sections 5739.40 and 5747.78 of the Revised Code to authorize an income tax credit for individuals that earn a nonprofit management degree or certain professional designations and to allow a sales tax exemption for out-of-state nonprofit corporations that relocate jobs to Ohio.

Said bills were considered the first time.

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

Representative Rogers submitted the following report:

The standing committee on Local Government to which was referred **H. B. No. 5**-Representatives Kunze, Koehler, having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

RE: AUDITOR OF STATE-BUSINESS CASE STUDIES OF PUBLIC OFFICES/SHARED EQUIPMENT SERVICE AGREEMENT PROGRAM

Representative Anielski moved to amend the title as follows:

Add the names: "Rogers, Boose, Hambley."

Representative Ryan moved to amend as follows:

Between lines 44 and 45, insert:

"Not later than one hundred eighty days after completing a business case study, the auditor of state shall conduct a public hearing on the business case study findings. The auditor shall give notice of the date, time, and location of the public hearing not fewer than ten days before the date of the public hearing on the auditor's web site."

The motion was agreed to and the bill so amended.

Representative Ryan moved to amend as follows:

In line 2 of the title, after "117.48," insert "2743.31,"

In line 7 of the title, after "among" insert "state agencies and"

In line 8 of the title, after "a" insert "state agency or"

In line 10 of the title, delete "has" and insert "may assume"

Delete line 11 of the title

In line 12 of the title, delete "Law"

In line 14, after "117.48," insert "2743.31,"

In line 50, after "a" insert "state agency or"

In line 51, after "another" insert "state agency or"

In line 52, after "lender" insert "state agency or"

In line 53, after "recipient" insert "state agency or"

In line 54, after "recipient" insert "state agency or"

In line 56, after "recipient" insert "state agency or"

In line 58, delete "Section" and insert "Sections 2743.31 and"; delete "applies" and insert "apply"

Between lines 60 and 61, insert:

"Sec. 2743.31. (A) As used in this section:

"Governmental function," "political subdivision," and "proprietary function" have the meanings defined in section 2744.01 of the Revised Code.

"State agency" has the same meaning as "state" as it is defined in section 2743.01 of the Revised Code.

(B) If, under a shared equipment service agreement program established by the auditor of state under section 117.48 of the Revised Code, an agreement is entered into by a contracting lender state agency or political subdivision to lend its capital equipment to a contracting recipient state agency for the temporary use by the recipient state agency in the performance of a governmental or proprietary function, the agreement may provide that the recipient state agency and its officers and employees, as the case may be, assume any potential liability under this chapter in a civil action for damages.

for injury, death, or loss to person or property allegedly caused by an act or omission of the recipient state agency or its officers or employees resulting from the use of the equipment in the performance of the recipient state agency's governmental or proprietary functions. This assumption of liability applies insofar as the recipient state agency under the agreement or any of its officers or employees is engaged in the use of the equipment covered by the agreement in the performance of a governmental or proprietary function."

In line 61, delete "pursuant to" and insert "under"

In line 64, after "lender" insert "state agency or"

In line 68, delete "shall" and insert "may"

In line 70, delete "applicable" and insert "the case may be"

The motion was agreed to and the bill so amended.

Representative Ryan moved to amend as follows:

Between lines 44 and 45, insert:

"Before commencing a business case study, the auditor of state shall notify each state agency or local public office that will be reviewed, in whole or in part, for purposes of the business case study."

The motion was agreed to and the bill so amended.

Representative Ryan moved to amend the amendment, amendment 0238, as follows:

In line 4 of the amendment, delete "The" and insert "Not later than ten days before the date of the public hearing, the"

In line 6 of the amendment, after "hearing" delete the balance of the line

In line 7 of the amendment, delete "hearing" and insert "in writing to each state agency or local public office included in the business case study and"

The motion was agreed to and the amendment so amended.

MARLENE ANIELSKI  
JOHN M. ROGERS  
TERRY BOOSE  
MARGARET CONDITT  
JEFFERY S. REZABEK

SCOTT RYAN  
NAN A. BAKER  
JANINE R. BOYD  
STEPHEN D. HAMBLEY  
MARGARET ANN RUHL

The report was agreed to.

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

Representative Celebrezze reported for the Rules and Reference committee recommending that the following House Bills and Senate Bills be considered for the second time and referred to the following committees for consideration:

**H. B. No. 112** - Representative Barnes

TO PROHIBIT THE REGISTRAR OF MOTOR VEHICLES FROM REFUSING TO ISSUE A MOTOR VEHICLE DEALER, MOTOR VEHICLE LEASING DEALER, OR MOTOR VEHICLE AUCTION OWNER LICENSE BASED UPON A FINDING THAT THE APPLICANT WAS CONVICTED OF, OR PLEADED GUILTY TO, A FELONY OR MISDEMEANOR 10 YEARS OR MORE PRIOR TO THE APPLICATION FOR THE LICENSE IF THE OFFENSE WAS NOT A CONSUMER FRAUD OR MOTOR VEHICLE SALES RELATED OFFENSE, AND TO DESIGNATE THE ACT THE "REHABILITATED OHIOAN OPPORTUNITY ACT."

To the committee on Judiciary

**H. B. No. 113** - Representatives Grossman and Manning

TO REQUIRE INSTRUCTION IN CARDIOPULMONARY RESUSCITATION AND THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR AS A REQUIREMENT FOR HIGH SCHOOL GRADUATION.

To the committee on Education

**H. B. No. 114** - Representatives Roegner and Bishoff

TO REQUIRE THE BOARD OF BUILDING STANDARDS TO ADOPT RULES FOR THE USE OF A BARRICADE DEVICE ON A SCHOOL DOOR IN AN EMERGENCY SITUATION AND TO PROHIBIT THE STATE FIRE CODE FROM PROHIBITING THE USE OF THE DEVICE IN SUCH A SITUATION.

To the committee on State Government

**H. B. No. 115** - Representatives Green and Landis

TO CREATE THE MOTORCYCLE ROAD GUARD CERTIFICATE AND TRAINING PROGRAM TO ALLOW CERTIFIED INDIVIDUALS TO FUNCTION AS TRAFFIC CONTROLLERS.

To the committee on Transportation and Infrastructure

**H. B. No. 116** - Representatives Brown and Ginter

TO PROVIDE FOR PARTIAL DRUG PRESCRIPTION REFILLS FOR THE PURPOSE OF SYNCHRONIZING MULTIPLE PRESCRIPTIONS FOR ONE PATIENT.

To the committee on Health and Aging

**H. B. No. 117** - Representatives Roegner and Cupp

TO PROHIBIT THE PERFORMANCE OF AN ABORTION ON A

PREGNANT WOMAN WHEN THE PROBABLE POST-FERTILIZATION AGE OF THE UNBORN CHILD IS TWENTY WEEKS OR GREATER.

To the committee on Community and Family Advancement

**H. B. No. 118** - Representatives DeVitis and Patmon  
WITH RESPECT TO TUITION OVERLOAD FEES AT STATE  
INSTITUTIONS OF HIGHER EDUCATION.

To the committee on Education

**H. B. No. 119** - Representative Patmon  
TO GENERALLY BAN THE MANUFACTURE, SALE, AND PUBLIC  
DISPLAY OF IMITATION FIREARMS AND THE DISGUISED OF A  
FIREARM TO MAKE IT RESEMBLE AN IMITATION FIREARM.

To the committee on State Government

**H. B. No. 120** - Representative Schuring  
TO CREATE THE OHIO HIGHER EDUCATION INNOVATION GRANT  
PROGRAM AND TO MAKE AN APPROPRIATION.

To the committee on Education

**H. B. No. 121** - Representatives Stinziano and Ruhl  
TO DESIGNATE THE LAST WEEK OF JULY AS "SERVICE DOG  
AWARENESS WEEK."

To the committee on State Government

**H. B. No. 122** - Representative Leland  
TO REQUIRE THAT EACH MAJOR POLITICAL PARTY BE  
REPRESENTED ON THE PUBLIC UTILITIES COMMISSION, TO  
SPECIFY THAT NOT MORE THAN THREE COMMISSIONERS MAY  
BELONG TO OR BE AFFILIATED WITH THE SAME MAJOR  
POLITICAL PARTY, AND TO REQUIRE THAT PUBLIC UTILITIES  
COMMISSION NOMINATING COUNCIL LISTS OF NOMINEES  
INCLUDE INDIVIDUALS WHO, IF SELECTED, ENSURE THAT EACH  
MAJOR POLITICAL PARTY IS REPRESENTED ON THE COMMISSION.

To the committee on Government Accountability and Oversight

**H. B. No. 123** - Representatives Johnson, G. and Cupp  
TO CHANGE THE TIME FOR NOTIFICATION OF AN ALIBI DEFENSE  
IN A CRIMINAL CASE, TO ALLOW THE COURT IN A FELONY CASE  
TO IMPOSE COMMUNITY CONTROL SANCTIONS WITHOUT A  
PRESENTENCE INVESTIGATION REPORT UPON AGREEMENT OF  
THE DEFENDANT AND THE PROSECUTOR, AND TO REQUEST THE  
SUPREME COURT TO MODIFY CRIMINAL RULE 32.2 TO ALLOW THE  
COURT IN A FELONY CASE TO IMPOSE COMMUNITY CONTROL  
SANCTIONS WITHOUT A PRESENTENCE INVESTIGATION REPORT  
UPON AGREEMENT OF THE DEFENDANT AND THE PROSECUTOR.

To the committee on Judiciary

**Sub. S. B. No. 26** - Senator Obhof

TO REDUCE CERTAIN BUSINESS FILING FEES CHARGED AND COLLECTED BY THE SECRETARY OF STATE, TO SPECIFY THAT OHIO-BASED COMPANIES ARE TO HAVE ACCESS TO APPROPRIATE FEATURES OF THE OHIOMEANSJOBS WEB SITE, AND TO REMOVE THE REQUIREMENT FOR A DATE OF INCORPORATION ON A FOREIGN CORPORATION'S APPLICATION FOR A LICENSE TO DO BUSINESS IN OHIO.

To the committee on Economic and Workforce Development

**S. B. No. 38** - Senator Seitz

TO PROVIDE TRANSPARENCY IN CONTRACTS BETWEEN THE STATE AND PRIVATE ATTORNEYS.

To the committee on Government Accountability and Oversight

RON AMSTUTZ  
MICHAEL D. DOVILLA  
RON HOOD  
SCOTT RYAN

ANDREW BRENNER  
BILL HAYES  
DOROTHY PELANDA

Representative Pelanda 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 Bills 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 Bills were considered the second time and referred as recommended.

### MOTIONS AND RESOLUTIONS

Representative Celebrezze 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. 10** - Representative Burkley

TO URGE THE OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE TO ENSURE THAT NO WORLD TRADE ORGANIZATION RULES ARE VIOLATED IN REGARD TO GOVERNMENT FUNDING OF THE MCINNIS CEMENT AND THE PORT-DANIEL-GASCONS CEMENT PLANT IN QUEBEC, CANADA.

To the committee on Commerce and Labor

/s/ RON AMSTUTZ  
Ron Amstutz, Chair

Representative Pelanda 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 Celebrezze reported for the Rules and Reference committee recommending that the following resolutions be read by title only and approved:

**H. R. No. 37 - Representatives Fedor, Anielski, Antonio, Bishoff, Boyce, Boyd, Brenner, Buchy, Celebrezze, Cera, Clyde, Cupp, Derickson, Dever, Driehaus, Duffey, Gerberry, Grossman, Hackett, Howse, Johnson, G., Kuhns, Landis, Leland, Lepore-Hagan, LaTourette, O'Brien, M., O'Brien, S., Patterson, Pelanda, Phillips, Ramos, Reece, Roegner, Rogers, Ruhl, Sheehy, Slaby, Smith, K., Strahorn, Sykes**  
Recognizing Women's History Month in Ohio, March 2015.

**H. R. No. 38 - Representative Maag**  
Honoring the Franklin High School competition cheerleading squad as the 2015 Division II OASSA State Champion.

**H. R. No. 39 - Representative Dovilla**  
Honoring Kristen Denk as a 2015 High School Indoor Track and Field National Champion.

**H. R. No. 40 – Speaker Rosenberger, Representatives Amstutz, Anielski, Antonio, Ashford, Blessing, Boose, Brown, Buchy, Butler, Clyde, Craig, Cupp, Curtin, Derickson, Dever, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Gerberry, Ginter, Green, Grossman, Hackett, Huffman, Johnson, T., Kunze, Landis, Lepore-Hagan, Maag, McColley, Pelanda, Perales, Phillips, Ramos, Reineke, Retherford, Roegner, Ryan, Schaffer, Scherer, Sheehy, Slesnick, Sprague, Sweeney, Terhar, Thompson**  
Honoring Major General Deborah A. Ashenhurst on her years of service to the Ohio Army National Guard.  
Add the names: Hood, Brenner, Celebrezze, Strahorn, Boyce

**H. R. No. 41 - Representative Buchy**  
Honoring Sheriff John Lenhart on receiving the 2015 Ferris E. Lucas Award.

/s/RON AMSTUTZ

Ron Amstutz, Chair

Representative Pelanda 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.

#### **MESSAGE FROM THE SPEAKER**

Pursuant to Section 5101.34 of the Ohio Revised Code, the Speaker hereby appoints the following members to the Ohio Commission on Fatherhood:

Representatives Hayes and Huffman.

#### **MESSAGE FROM THE SPEAKER**

Pursuant to Ohio Revised Code Section 101.38, the Speaker hereby appoints the following individuals to the Ohio Cystic Fibrosis Legislative Task Force:

Representatives Derickson and Pelanda, and public members Chad Hawley, Christopher Gerdes, and Barbara McGuiness.

#### **MESSAGE FROM THE SPEAKER**

Pursuant to Section 3318.30 of the Ohio Revised Code, the Speaker hereby appoints Representative Smith, R. to the Ohio School Facilities Commission.

#### **MESSAGE FROM THE SPEAKER**

Pursuant to Section 3334.03 of the Ohio Revised Code, the Speaker hereby appoints the following members to the Ohio Tuition Trust Authority:

Representatives Duffey and Ramos.

#### **MESSAGE FROM THE SPEAKER**

Pursuant to Ohio Revised Code Section 122.72, the Speaker hereby appoints Representative Young to the Minority Development Financing

Advisory Board.

**MESSAGE FROM THE SPEAKER**

Pursuant to Section 5540.02(C) of the Ohio Revised Code, the Speaker hereby appoints Representative Boose to the Lorain County Transportation Improvement District Board of Trustees.

**MESSAGE FROM THE SPEAKER**

Pursuant to Section 5540.02(C) of the Ohio Revised Code, the Speaker hereby appoints Representative Maag to the Warren County Transportation Improvement District Board of Trustees.

**MESSAGE FROM THE SPEAKER**

Pursuant to Section 5540.02(C) of the Ohio Revised Code, the Speaker hereby appoints Representative McColley to the Henry County Transportation Improvement District Board of Trustees.

**MESSAGE FROM THE SPEAKER**

Pursuant to Section 3(A) of Sub. H.B. 9, 130th General Assembly, the Speaker hereby appoints Representatives Schaffer and Dever to the Study Committee on Receivership Laws.

**CLERK'S NOTATION**

This is to acknowledge receipt of the report of the committee of Conference on **Sub. H.B. No. 53**-Representative Grossman, et al., on March 24, 2015.

On motion of Representative Pelanda, the House adjourned until Wednesday, March 25, 2015 at 9:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,  
Clerk.