

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, APRIL 29, 2015

FORTY-FOURTH DAY

Hall of the House of Representatives, Columbus, Ohio

Wednesday, April 29, 2015, 9:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Craig Grammer of the First Christian Church in Springfield, Ohio, followed by the Pledge of Allegiance to the Flag.

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

Ernie Moore received H. R. No. 30, presented by Speaker Rosenberger-91st district, and Representatives Maag-62nd district and Zeltwanger-54th district. The Tri-Village High School boys basketball team received H. R. No. 57, presented by Representative Huffman-80th district.

The Defiance High School boys basketball team received H. R. No. 84, presented by Representative Burkley-82nd district.

The Fort Loramie High School girls basketball team received H. R. No. 67, presented by Representative Buchy-84th district.

Representatives from the Ohio State University College of Dentistry received H. R. No. 65, presented by Representative Stinziano-18th district.

Representatives from the Make-A-Wish Foundation received H. R. No. 87, presented by Speaker Rosenberger-91st district and Representative Strahorn-39th district.

Phil, Sally, and Alex Lenhart, guests of Representative Anielski-6th district.

Stefani Smith, a guest of Representative Dovilla-7th district.

Tom Lilly, Steve Beale, Mary Mumper, Joanne Gross, and Michelle Tingley, guests of Representative Roegner-37th district.

Allison Copeland, a guest of Representative Strahorn-39th district.

Students from the Stillwater Mennonite School Group, guests of Representative Green-66th district.

Members of the Ashland Coalition, guests of Representative Hall-70th district.

Ray and Cindy Stankunas, guests of Representative Ryan-71st district.

Chris Long and Mike and Beverly Goldstein, guests of Representative Kraus-89th district.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 178 - Representative Manning.

Cosponsors: Representatives Sweeney, LaTourette, Brenner, Thompson, Becker, Young, Blessing, Henne, Duffey, Cera, Roegner, Boyd, Maag.

To amend sections 3717.22 and 4301.62 and to enact section 4303.2010 of the Revised Code to establish the F-10 liquor permit to authorize certain A-2 permit holders to sell Ohio wines at farmers markets.

H. B. No. 179 - Representatives Stinziano, Sykes.

Cosponsors: Representatives Bishoff, Boyd, Cera, Curtin, Johnson, G., Leland, Lepore-Hagan, Phillips, Ramos, Sheehy, Smith, K.

To amend sections 3501.05, 3503.09, 3503.12, 3503.13, 3503.14, 3503.15, 3503.16, 3503.19, 3503.21, 3503.28, 3503.30, 3503.33, 3505.18, 3505.181, 3505.183, 3509.03, 3509.05, 3511.02, 3511.09, 3599.11, 3599.18, 4501.023, 4503.03, 4503.10, 4506.04, 4506.07, 4507.05, 4507.06, 4507.09, 4507.36, and 4507.51; to enact new section 3503.11; to repeal sections 3503.11 and 3503.29 of the Revised Code; and to amend the versions of sections 4507.05 and 4507.06 of the Revised Code that are scheduled to take effect January 1, 2017, to continue the provisions of this act on and after the effective date, to require that eligible persons in the database of the Bureau of Motor Vehicles be automatically registered to vote or have their registrations updated automatically, as applicable, unless those persons decline to be registered or to update their registrations.

H. B. No. 180 - Representative Maag.

Cosponsors: Representatives Romanchuk, Perales, Thompson, Burkley, Green, Blessing, Derickson, Rezabek, Duffey, Becker, Grossman, Boose, Ruhl, Retherford, Vitale, McColley, Henne, Hood, Hackett, Anielski, Brenner, Buchy, Zeltwanger.

To enact section 9.49 and to repeal sections 153.013 and 5525.26 of the Revised Code to prohibit a public authority from requiring a contractor to employ a certain percentage of individuals from the geographic area of the public authority for the construction or professional design of a public improvement.

Said bills were considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 47**-Representatives Blessing, Driehaus, et al., were taken up for consideration.

Sub. H. B. No. 47-Representatives Blessing, Driehaus.

Cosponsors: Representatives Ramos, Retherford, Becker, Conditt, Maag, Kuhns, Antani, Reece, Slesnick, Young, Dever, Kraus, O'Brien, M., Lepore-Hagan, Anielski, Antonio, Barnes, Brinkman, Buchy, Celebrezze, Dovilla, Hackett, Rogers, Schuring, Sheehy, Strahorn, Terhar, Speaker Rosenberger, Senators Uecker, Yuko, Bacon, Brown, Burke, Coley, Eklund, Hite, Hughes, Lehner, Oelslager, Patton, Schiavoni, Seitz, Thomas, Williams.

To amend sections 4301.62 and 4303.208 and to enact section 4301.82 of the Revised Code to allow municipal corporations and townships with a population of more than 35,000 to create outdoor refreshment areas, to exempt persons within an outdoor refreshment area from the open container law, to exempt persons who are passengers on a commercial quadricycle from that law, to revise the law governing F-8 liquor permits, and to declare an emergency.

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

The yeas and nays were taken and resulted – yeas 89, nays 6, as follows:

Those who voted in the affirmative were: Representatives

Anielski	Antani	Antonio	Ashford
Baker	Barnes	Becker	Bishoff
Blessing	Boose	Boyce	Boyd
Brenner	Brinkman	Brown	Buchy
Burkley	Butler	Celebrezze	Cera
Clyde	Conditt	Craig	Cupp
Curtin	Derickson	Dever	DeVitis
Dovilla	Driehaus	Duffey	Fedor
Gerberry	Gonzales	Green	Grossman
Hackett	Hagan	Hall	Hambley
Henne	Hill	Hood	Howse
Huffman	Johnson, G.	Koehler	Kraus
Kuhns	Leland	LaTourette	Lepore-Hagan
Maag	Manning	McClain	McColley
O'Brien, M.	O'Brien, S.	Patmon	Patterson
Pelanda	Ramos	Reece	Reineke
Retherford	Rezabek	Roegner	Rogers
Romanchuk	Ruhl	Ryan	Schaffer
Scherer	Schuring	Sears	Sheehy
Slaby	Slesnick	Smith, K.	Smith, R.
Sprague	Stinziano	Strahorn	Sweeney
Sykes	Terhar	Thompson	Young
			Rosenberger-89

Representatives Amstutz, Ginter, Hayes, Landis, Phillips, Vitale voted in the negative-6.

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

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

The yeas and nays were taken and resulted – yeas 87, nays 8, as follows:

Those who voted in the affirmative were: Representatives

Anielski	Antani	Antonio	Ashford
Baker	Barnes	Becker	Bishoff
Blessing	Boose	Boyce	Boyd
Brenner	Brinkman	Brown	Buchy
Burkley	Butler	Celebrezze	Cera
Clyde	Conditt	Craig	Curtin
Derickson	Dever	DeVitis	Dovilla
Driehaus	Duffey	Fedor	Gerberry
Gonzales	Green	Grossman	Hackett
Hagan	Hall	Hambley	Henne
Hill	Hood	Howse	Huffman
Johnson, G.	Kraus	Kuhns	Leland
LaTourette	Lepore-Hagan	Maag	Manning
McColley	O'Brien, M.	O'Brien, S.	Patmon
Patterson	Pelanda	Ramos	Reece
Reineke	Retherford	Rezabek	Roegner
Rogers	Romanchuk	Ruhl	Ryan
Schaffer	Scherer	Schuring	Sears
Sheehy	Slaby	Slesnick	Smith, K.
Smith, R.	Sprague	Stinziano	Strahorn
Sweeney	Sykes	Terhar	Thompson
Vitale	Young		Rosenberger-87

Representatives Amstutz, Cupp, Ginter, Hayes, Koehler, Landis, McClain, Phillips voted in the negative-8.

The Senate amendments were concurred in.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Antonio submitted the following report:

The standing committee on Health and Aging to which was referred **H. C. R. No. 12**-Representatives LaTourette, Antonio, et. al., having had the same under consideration, reports it back and recommends its adoption.

RE: TO DECLARE OHIO'S RATE OF INFANT MORTALITY A PUBLIC HEALTH CRISIS AND URGE COMPREHENSIVE PRETERM BIRTH RISK SCREENING FOR ALL PREGNANT WOMEN IN OHIO

Representative Gonzales moved to amend the title as follows:

Add the names: "Gonzales, Brown, Schuring, Sprague."

ANNE GONZALES
NICKIE J. ANTONIO
HEATHER BISHOFF

STEPHEN A. HUFFMAN
JOHN BARNES, JR.
TIM W. BROWN

JIM BUTLER
TIMOTHY E. GINTER
SARAH LATOURETTE
RONALD MAAG
KIRK SCHURING
ROBERT COLE SPRAGUE

MIKE DUFFEY
CHRISTIE BRYANT KUHN
MICHELE LEPORE-HAGAN
DANIEL RAMOS
BARBARA R. SEARS
EMILIA STRONG SYKES

The report was agreed to.

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

Representative Clyde submitted the following report:

The standing committee on Government Accountability and Oversight to which was referred **H. B. No. 37**-Representatives Stinziano, Duffey, having had the same under consideration, reports it back and recommends its passage.

RE: BEER/INTOXICATING LIQUOR IN OPEN CONTAINER-ON PREMISES OF A MARKET-AUTHORIZE IF BOUGHT FROM D PERMIT HOLDER LOCATED IN MARKET

Representative Buchy moved to amend the title as follows:

Add the name: "Blessing."

LOUIS W. BLESSING III
JIM BUCHY
MICHAEL F. CURTIN
DOUG GREEN
ROBERT MCCOLLEY
RYAN SMITH

KATHLEEN CLYDE
JIM BUTLER
TIMOTHY DERICKSON
DAVID LELAND
DOROTHY PELANDA

The report was agreed to.

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

Representative Clyde submitted the following report:

The standing committee on Government Accountability and Oversight to which was referred **S. B. No. 38**-Senator Seitz, et. al., having had the same under consideration, reports it back and recommends its passage.

RE: TRANSPARENCY IN CONTRACTS BETWEEN STATE AND PRIVATE ATTORNEYS

Representative Buchy moved to amend the title as follows:

Add the names: "Representatives Blessing, Butler."

LOUIS W. BLESSING III
JIM BUTLER
DOUG GREEN
DOROTHY PELANDA

JIM BUCHY
TIMOTHY DERICKSON
ROBERT MCCOLLEY
RYAN SMITH

The following members voted "NO"

KATHLEEN CLYDE
DAVID LELAND

MICHAEL F. CURTIN

The report was agreed to.

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

Representative Howse submitted the following report:

The standing committee on Community and Family Advancement to which was referred **H. B. No. 50**-Representatives Pelanda, Grossman, et. al., having had the same under consideration, reports it back as a substitute bill and recommends its re-referral to the committee on Rules and Reference.

RE: WARD'S BILL OF RIGHTS/GUARDIANSHIP GUIDE/FOSTER CARE-EXTEND ELIGIBILITY

TIMOTHY DERICKSON
STEPHANIE D. HOWSE
KEVIN BOYCE
MARGARET CONDITT
CHRISTINA HAGAN
MICHELE LEPORE-HAGAN
BILL PATMON

TIMOTHY E. GINTER
NIRAJ J. ANTANI
JANINE R. BOYD
JONATHAN DEVER
BILL HAYES
JEFFREY A. MCCLAIN
RON YOUNG

The following member voted "NO"

RON HOOD

The report was agreed to.

The bill was ordered to be engrossed and re-referred to the committee on Rules and Reference.

Representative Stinziano submitted the following report:

The standing committee on Judiciary to which was referred **H. B. No. 123**-Representatives Johnson, G., Cupp, et. al., having had the same under

consideration, reports it back and recommends its passage.

RE: ALIBI DEFENSE-NOTICE/COMMUNITY CONTROL
SANCTIONS-NO PRESENTENCE REPORT

Representative Butler moved to amend the title as follows:

Add the name: "Celebrezze."

JIM BUTLER
MICHAEL STINZIANO
NICHOLAS CELEBREZZE
ROBERT R. CUPP
GRETA JOHNSON
DOROTHY PELANDA
EMILIA STRONG SYKES

NATHAN H. MANNING
NIRAJ J. ANTANI
MARGARET CONDITT
JONATHAN DEVER
ROBERT MCCOLLEY
JEFFERY S. REZABEK

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

Representative Dovilla moved that majority party members asking leave to be absent or absent the week of Wednesday, April 29, 2015, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Boyce moved that minority party members asking leave to be absent or absent the week of Wednesday, April 29, 2015, 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

Am. H. B. No. 5-Representatives Kunze, Koehler.
Cosponsors: Representatives Rogers, Boose, Hambley.

To amend section 117.47 and to enact sections 117.473, 117.48, 2743.31, and 2744.11 of the Revised Code to allow the Auditor of State to conduct business case studies regarding the efficiency of local public offices and state agencies, to authorize the Auditor of State to establish a shared equipment service agreement program among state agencies and political subdivisions, and to specify that a state agency or political subdivision that uses the loaned equipment may assume potential liability for its use, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Anielski	Antani	Antonio
Ashford	Baker	Barnes	Becker
Bishoff	Blessing	Boose	Boyce
Boyd	Brenner	Brinkman	Brown
Buchy	Burkley	Butler	Celebrezze
Cera	Clyde	Conditt	Craig
Cupp	Curtin	Derickson	Dever
DeVitis	Dovilla	Driehaus	Duffey
Fedor	Gerberry	Ginter	Gonzales
Green	Grossman	Hackett	Hagan
Hall	Hambley	Hayes	Henne
Hill	Hood	Howse	Huffman
Johnson, G.	Koehler	Kraus	Kuhns
Landis	LaTourette	Leland	Lepore-Hagan
Maag	Manning	McClain	McColley
O'Brien, M.	O'Brien, S.	Patmon	Patterson
Pelanda	Phillips	Ramos	Reece
Reineke	Retherford	Rezabek	Roegner
Rogers	Romanchuk	Ruhl	Ryan
Schaffer	Scherer	Schuring	Sears
Sheehy	Slaby	Slesnick	Smith, K.
Smith, R.	Sprague	Stinziano	Strahorn
Sweeney	Sykes	Terhar	Thompson
Vitale	Young		Rosenberger-95

The bill passed.

Representative Koehler moved to amend the title as follows:

Add the names: "Amstutz, Anielski, Antonio, Baker, Barnes, Bishoff, Blessing, Boyd, Brenner, Brown, Buchy, Burkley, Celebrezze, Cera, Conditt, Cupp, Dever, Dovilla, Duffey, Ginter, Green, Grossman, Hackett, Henne, Kraus, McClain, McColley, O'Brien, M., O'Brien, S., Reineke, Retherford, Rezabek, Romanchuk, Ruhl, Ryan, Schaffer, Scherer, Schuring, Sheehy, Smith, K., Smith, R., Sprague, Stinziano, Strahorn, Sweeney, Terhar, Thompson, Young, Speaker Rosenberger."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 71–Representative Roegner.

Cosponsors: Representatives Blessing, Green, Sears, Derickson, Schaffer, Boose, Bishoff, Stinziano, Dever.

To enact section 2305.52 of the Revised Code to prohibit certain indemnity agreements in motor vehicle carrier transportation contracts, was taken up for

consideration the third time.

The question being, "Shall the bill pass?"

April 29, 2015

The Honorable Cliff Rosenberger, Speaker

The Ohio House of Representatives

Columbus, Ohio

Speaker Rosenberger,

Pursuant to House Rule No. 57, I respectfully request that I be excused from voting on **H. B. No. 71**-Representative Roegner, et al., because it might be construed that I have an interest in the legislation.

Sincerely,

/s/ KEVIN BOYCE
KEVIN BOYCE
State Representative
25th House District

The request was granted.

The yeas and nays were taken and resulted – yeas 92, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Anielski	Antani	Antonio
Ashford	Baker	Barnes	Becker
Bishoff	Blessing	Boose	Boyd
Brenner	Brinkman	Brown	Buchy
Burkley	Butler	Celebrezze	Cera
Clyde	Conditt	Craig	Cupp
Curtin	Derickson	Dever	DeVitis
Dovilla	Driehaus	Duffey	Fedor
Gerberry	Ginter	Gonzales	Green
Grossman	Hagan	Hall	Hambley
Hayes	Henne	Hill	Hood
Howse	Huffman	Johnson, G.	Koehler
Kraus	Kuhns	Landis	LaTourette
Leland	Lepore-Hagan	Maag	Manning
McClain	McColley	O'Brien, M.	O'Brien, S.
Patmon	Patterson	Pelanda	Phillips
Ramos	Reece	Reineke	Retherford
Rezabek	Roegner	Rogers	Ruhl
Ryan	Schaffer	Scherer	Schuring
Sears	Sheehy	Slaby	Slesnick
Smith, K.	Smith, R.	Sprague	Stinziano

Strahorn
Thompson

Sweeney
Vitale

Sykes
Young

Terhar
Rosenberger-92

Representatives Hackett, Romanchuk voted in the negative-2.

The bill passed.

Representative Roegner moved to amend the title as follows:

Add the names: "Amstutz, Anielski, Brenner, Buchy, Burkley, Conditt, Dovilla, Henne, Kraus, McColley, Retherford, Schuring, Smith, R., Terhar, Young, Speaker Rosenberger."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

S. B. No. 38-Senator Seitz.

Cosponsors: Senators Eklund, Jones, Patton, Beagle, Coley, Jordan, LaRose, Representatives Blessing, Butler.

To enact sections 9.49, 9.491, 9.492, 9.493, 9.494, 9.495, 9.496, 9.497, and 9.498 of the Revised Code to provide transparency in contracts between the state and private attorneys, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Clyde moved to amend, amendment 0593, as follows:

Delete lines 26 through 29

In line 53, delete "Except as otherwise provided in division (C)(2) of"

Delete lines 54 through 102

In line 103, delete "(E)(1)"

In line 123, delete "division (E)(1) of this section" and insert "this division"

In line 145, delete "and any corresponding"

Delete lines 146 and 147

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 59, nays 36, as follows:

Those who voted in the affirmative were: Representatives

Amstutz
Becker

Anielski
Blessing

Antani
Boose

Baker
Brenner

Brown	Buchy	Burkley	Butler
Conditt	Cupp	Derickson	Dever
DeVitis	Dovilla	Duffey	Ginter
Gonzales	Green	Grossman	Hackett
Hagan	Hall	Hambley	Hayes
Henne	Hill	Hood	Huffman
Koehler	Kraus	LaTourette	Landis
Maag	Manning	McClain	McColley
Pelanda	Reineke	Retherford	Rezabek
Roegner	Romanchuk	Ruhl	Ryan
Schaffer	Scherer	Schuring	Sears
Slaby	Smith, R.	Sprague	Terhar
Thompson	Young		Rosenberger-59

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Bishoff
Boyce	Boyd	Brinkman	Celebrezze
Cera	Clyde	Craig	Curtin
Driehaus	Fedor	Gerberry	Howse
Johnson, G.	Kuhns	Leland	Lepore-Hagan
O'Brien, M.	O'Brien, S.	Patmon	Patterson
Phillips	Ramos	Reece	Rogers
Sheehy	Slesnick	Smith, K.	Stinziano
Strahorn	Sweeney	Sykes	Vitale-36

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 61, nays 34, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Anielski	Antani	Baker
Barnes	Becker	Blessing	Boose
Brenner	Brown	Buchy	Burkley
Butler	Conditt	Cupp	Derickson
Dever	DeVitis	Dovilla	Duffey
Ginter	Gonzales	Green	Grossman
Hackett	Hagan	Hall	Hambley
Hayes	Henne	Hill	Hood
Huffman	Koehler	Kraus	Landis
LaTourette	Maag	Manning	McClain
McColley	Pelanda	Reineke	Retherford
Rezabek	Roegner	Romanchuk	Ruhl
Ryan	Schaffer	Scherer	Schuring
Sears	Slaby	Smith, R.	Sprague
Terhar	Thompson	Vitale	Young
			Rosenberger-61

Those who voted in the negative were: Representatives

Antonio	Ashford	Bishoff	Boyce
Boyd	Brinkman	Celebrezze	Cera
Clyde	Craig	Curtin	Driehaus

Fedor	Gerberry	Howse	Johnson, G.
Kuhns	Leland	Lepore-Hagan	O'Brien, M.
O'Brien, S.	Patmon	Patterson	Phillips
Ramos	Reece	Rogers	Sheehy
Slesnick	Smith, K.	Stinziano	Strahorn
Sweeney			Sykes-34

The bill passed.

Representative Butler moved to amend the title as follows:

Add the names: "Antani, Buchy, Burkley, Conditt, Duffey, Grossman, Hackett, Kraus, LaTourette, Retherford, Romanchuk, Sprague, Terhar, Young."

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 29, 2015, signed the following:

Sub. H. B. No. 47-Representatives Blessing, Driehaus

On motion of Representative Amstutz, the House adjourned until Thursday, April 30, 2015 at 9:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,
Clerk.