

OHIO

House

of

Representatives

JOURNAL

MONDAY, OCTOBER 26, 2015

ONE HUNDRED FOURTH DAY
Hall of the House of Representatives, Columbus, Ohio
Monday, October 26, 2015, 9:00 o'clock a.m.

The House met pursuant to adjournment.

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 Rules and Reference:

Remove Representative Pelanda; appoint Representative McClain.

On motion of Representative Ryan, the House recessed.

The House met pursuant to recess.

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

Representative Boyce 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. 354 - Representative Kuhns
TO DESIGNATE THE THIRD DAY OF OCTOBER AS EZZARD
CHARLES DAY.

To the committee on State Government

H. B. No. 355 - Representative Retherford
TO CREATE A GENERALLY UNIFORM DEFINITION OF EMPLOYEE
FOR SPECIFIED LABOR LAWS AND TO PROHIBIT EMPLOYEE
MISCLASSIFICATION UNDER THOSE LAWS.

To the committee on State Government

H. B. No. 356 - Representatives Celebrezze and Johnson, G.
TO PERMIT USING STATE RESOURCES TO PROVIDE ABORTION
CARE.

To the committee on Community and Family Advancement

H. B. No. 357 - Representatives Johnson, G. and Smith, K.
TO REMOVE WAITING-PERIOD RESTRICTIONS ON WHEN A
WOMAN CAN OBTAIN AN ABORTION AND TO REPEAL
REQUIREMENTS GOVERNING THE PROVISION OF NOTICE TO A
WOMAN'S RELATIVE, CUSTODIAN, OR GUARDIAN, IF THE WOMAN

IS SEEKING AN ABORTION AND IS PREGNANT, UNMARRIED, A MINOR, AND UNEMANCIPATED.

To the committee on Community and Family Advancement

H. B. No. 358 - Representatives Dever and Conditt

TO ALLOW AN INCOME TAX DEDUCTION FOR CONTRIBUTIONS TO ABLE SAVINGS ACCOUNTS.

To the committee on Ways and Means

H. B. No. 360 - Representatives Celebrezze and Antonio

TO REPEAL THE PROHIBITIONS AGAINST INCLUDING ABORTION COVERAGE IN INSURANCE PLANS PURCHASED THROUGH THE FEDERAL HEALTH INSURANCE EXCHANGE AND IN HEALTH INSURANCE POLICIES, CONTRACTS, OR PLANS OFFERED TO PUBLIC OFFICERS AND EMPLOYEES.

To the committee on Community and Family Advancement

H. B. No. 361 - Representative Brenner

TO AUTHORIZE BOARDS OF TOWNSHIP TRUSTEES AND BOARDS OF PARK COMMISSIONERS TO EXPEND FUNDS FOR THE PUBLIC PURPOSE OF PRESENTING COMMUNITY EVENTS IN THEIR PARKS AND AT OTHER RECREATIONAL FACILITIES.

To the committee on Local Government

H. B. No. 362 - Representatives Stinziano and Kunze

TO PROHIBIT A PERSON FROM KNOWINGLY IMPEDING THE NORMAL BREATHING OR CIRCULATION OF ANOTHER BY STRANGULATION.

To the committee on Judiciary

H. B. No. 363 - Representative Reece

TO REQUIRE RESTRAINTS TO BE REMOVED FROM AN ALLEGED OR ADJUDICATED DELINQUENT CHILD PRIOR TO THE COMMENCEMENT OF A JUVENILE COURT HEARING OR PROCEEDING UNLESS THE COURT DETERMINES THAT THE USE OF RESTRAINTS IS NECESSARY TO PREVENT PHYSICAL HARM TO THE CHILD OR ANOTHER PERSON OR TO PREVENT THE CHILD FROM ESCAPING.

To the committee on Judiciary

H. B. No. 364 - Representative Ginter

TO DESIGNATE A PORTION OF STATE ROUTE 7 WITHIN COLUMBIANA COUNTY AS THE "CORPORAL WILLIAM F. BRATT MEMORIAL HIGHWAY."

To the committee on Transportation and Infrastructure

H. B. No. 365 - Representatives Kuhns and Romanchuk
TO MODIFY THE PROVISIONS GOVERNING THE TRANSPORT OF PERSONS WHO MAY USE A WHEELCHAIR OR OTHER MOBILITY AID.

To the committee on Health and Aging

H. B. No. 366 - Representative Smith, R.
TO DESIGNATE A PORTION OF STATE ROUTE 93 WITHIN LAWRENCE COUNTY AS THE "SERGEANT DONALD LONG MEMORIAL HIGHWAY."

To the committee on Transportation and Infrastructure

H. B. No. 367 - Representative Arndt
TO DESIGNATE A MEMORIAL HIGHWAY WITHIN THE CITY OF SANDUSKY AND TO DESIGNATE MEMORIAL INTERCHANGES AND A MEMORIAL PEDESTRIAN BRIDGE IN ERIE COUNTY.

To the committee on Transportation and Infrastructure

H. B. No. 368 - Representative Sears
TO MAKE CHANGES TO THE HEALTH COVERAGE BENEFIT LIMITS AND COVERAGE EXCLUSIONS FOR LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATIONS.

To the committee on Insurance

H. B. No. 369 - Representatives Koehler and Hambley
TO ADOPT THE COMPACT FOR A BALANCED BUDGET AND TO DECLARE AN EMERGENCY.

To the committee on Government Accountability and Oversight

H. B. No. 370 - Representatives Clyde and Fedor
TO ELIMINATE THE REQUIREMENT FOR A WRITTEN TRANSFER AGREEMENT OR VARIANCE FOR AMBULATORY SURGICAL FACILITIES.

To the committee on Community and Family Advancement

H. B. No. 371 - Representatives Lepore-Hagan and Sheehy
TO REQUIRE THE CREWS OF FREIGHT TRAINS TO CONSIST OF AT LEAST TWO INDIVIDUALS.

To the committee on Commerce and Labor

H. B. No. 372 - Representative Phillips
TO REQUIRE CITY, EXEMPTED VILLAGE, AND LOCAL SCHOOL DISTRICTS TO EMPLOY, FOR EACH 1,000 STUDENTS, AT LEAST FIVE FULL-TIME EQUIVALENT EDUCATIONAL SERVICE PERSONNEL IN SPECIFIED AREAS.

To the committee on Education

H. B. No. 373 - Representatives LaTourette and Huffman
TO REGULATE THE PRACTICE OF SURGICAL TECHNOLOGISTS.
To the committee on Commerce and Labor

H. B. No. 374 - Representative Schuring
TO AUTHORIZE THE TREASURER OF STATE TO DETERMINE BY
RULE THE TOTAL MARKET VALUE OF SECURITIES THAT MUST BE
PLEGGED TO SECURE THE REPAYMENT OF ALL UNINSURED
PUBLIC DEPOSITS AT A PARTICULAR PUBLIC DEPOSITORY, TO
MAKE OTHER CHANGES RELATIVE TO THE OHIO POOLED
COLLATERAL PROGRAM, AND TO DECLARE AN EMERGENCY.
To the committee on Finance

H. B. No. 375 - Representatives Brown and Arndt
TO AUTHORIZE TOWNSHIPS TO REQUIRE THE REMOVAL OF SNOW
AND ICE FROM SIDEWALKS ABUTTING PROPERTY AND TO
IMPOSE A FINE FOR FAILURE TO DO SO.
To the committee on Local Government

H. B. No. 376 - Representatives Boyd and Sykes
TO REQUIRE ENTITIES FUNDED THROUGH THE OHIO PARENTING
AND PREGNANCY PROGRAM TO PROVIDE ONLY MEDICALLY
ACCURATE INFORMATION.
To the committee on Community and Family Advancement

Sub. S. B. No. 11 - Senators Eklund and LaRose
TO ENACT THE "JASON GRESKO ACT" TO CREATE THE
VOLUNTEER PEACE OFFICERS' DEPENDENTS FUND TO PROVIDE
DEATH BENEFITS TO SURVIVORS OF VOLUNTEER PEACE
OFFICERS KILLED IN THE LINE OF DUTY AND DISABILITY
BENEFITS TO DISABLED VOLUNTEER PEACE OFFICERS AND TO
MAKE SURVIVORS OF GAMING AGENTS AND DEPARTMENT OF
TAXATION INVESTIGATORS ELIGIBLE FOR BENEFITS FROM THE
OHIO PUBLIC SAFETY OFFICERS DEATH BENEFIT FUND.
To the committee on Insurance

Am. S. B. No. 36 - Senator Tavares
TO DESIGNATE A PORTION OF U.S. ROUTE 33 WITHIN COLUMBUS
AS THE "JOHN W. E. BOWEN III MEMORIAL ROADWAY."
To the committee on Transportation and Infrastructure

Sub. S. B. No. 139 - Senators Seitz and Williams
TO REQUIRE THE CLERK OF A COMMON PLEAS COURT TO RETAIN
A COPY OF THE ORIGINAL TRIAL FILE WHEN A DEATH PENALTY IS
IMPOSED, TO SPECIFY THAT THERE IS NO PAGE LIMIT ON
PETITIONS FOR POSTCONVICTION RELIEF IN DEATH PENALTY
CASES OR IN APPEALS OF DENIALS OF SUCH RELIEF, TO MODIFY

THE TIME FOR FILING AN AMENDED POSTCONVICTION RELIEF PETITION IN DEATH PENALTY CASES, TO PROVIDE FOR DEPOSITIONS AND SUBPOENAS DURING DISCOVERY IN POSTCONVICTION RELIEF PROCEEDINGS IN DEATH PENALTY CASES, AND TO REQUIRE A JUDGE HEARING A POSTCONVICTION RELIEF PROCEEDING IN A DEATH PENALTY CASE TO STATE SPECIFICALLY IN THE FINDINGS OF FACT AND CONCLUSIONS OF LAW WHY EACH CLAIM WAS EITHER DENIED OR GRANTED.

To the committee on Judiciary

S. B. No. 181 - Senators Obhof and Schiavoni

TO PRESCRIBE THE FIDUCIARY DUTIES OF CORPORATE AND LIMITED LIABILITY COMPANY OFFICERS, TO SPECIFY THAT OFFICERS ARE NOT REQUIRED FOR LIMITED LIABILITY COMPANIES, TO PERMIT A WRITTEN WAIVER OR ELIMINATION OF THE FIDUCIARY DUTIES OF LIMITED LIABILITY COMPANY MEMBERS, MANAGERS, OR OFFICERS, TO CLARIFY WHEN A LIMITED LIABILITY COMPANY MANAGER'S OR OFFICER'S DUTIES CAN BE THE SAME AS A MEMBER'S DUTIES, TO DECLARE THE POLICY OF THE LIMITED LIABILITY COMPANY LAW GENERALLY TO GIVE MAXIMUM EFFECT TO FREEDOM OF CONTRACT, AND TO MAKE OTHER CHANGES REGARDING CORPORATIONS AND LIMITED LIABILITY COMPANIES.

To the committee on Judiciary

Sub. S. B. No. 190 - Senator Gardner

TO DESIGNATE A MEMORIAL HIGHWAY WITHIN THE CITY OF SANDUSKY AND TO DESIGNATE MEMORIAL INTERCHANGES AND A MEMORIAL PEDESTRIAN BRIDGE IN ERIE COUNTY.

To the committee on Transportation and Infrastructure

Sub. S. B. No. 208 - Senator Beagle

TO MODIFY THE COMMERCIAL ACTIVITY TAX EXCLUSION FOR RECEIPTS FROM THE TRANSFER OF PERSONAL CARE PRODUCTS WITHIN AN INTEGRATED SUPPLY CHAIN, TO MAKE TECHNICAL CHANGES TO THE STATE INCOME TAX LAW, TO PROVIDE THAT, FOR THE 2015 TAXABLE YEAR, ANY TAXABLE BUSINESS INCOME UNDER \$125,000 FOR MARRIED TAXPAYERS FILING SEPARATELY OR \$250,000 FOR OTHER TAXPAYERS IS SUBJECT TO GRADUATED TAX RATES SIMILAR TO THOSE APPLICABLE TO NONBUSINESS INCOME, WHILE BUSINESS INCOME IN EXCESS OF THOSE AMOUNTS REMAINS SUBJECT TO THE EXISTING 3% FLAT TAX, TO MODIFY THE FORMULA FOR CALCULATING REIMBURSEMENT PAYMENTS TO SCHOOL DISTRICTS FOR THEIR LOSS OF TANGIBLE PERSONAL PROPERTY TAX REVENUE, AND TO ESTABLISH A

FORMULA FOR MAKING SUPPLEMENTAL FOUNDATION AID PAYMENTS TO SCHOOL DISTRICTS IN FISCAL YEAR 2017.

To the committee on Ways and Means

RON AMSTUTZ

RON HOOD

JEFFREY A. MCCLAIN

FRED STRAHORN

DANIEL RAMOS

ANDREW BRENNER

STEPHANIE KUNZE

SCOTT RYAN

KEVIN BOYCE

Representative Ryan 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 Boyce reported for the Rules and Reference committee recommending that the following House Concurrent Resolution and Senate Concurrent Resolution be introduced and referred to the following committee for consideration:

H. C. R. No. 28 – Representative Green

TO URGE THE UNITED STATES CONGRESS TO PASS AND THE PRESIDENT TO SIGN INTO LAW THE TOXIC EXPOSURE RESEARCH ACT OF 2015.

To the committee on Energy and Natural Resources

S. C. R. No. 6 – Senator Balderson

TO URGE THE U.S. CONGRESS TO LIFT THE PROHIBITION ON THE EXPORT OF CRUDE OIL FROM THE UNITED STATES.

To the committee on Energy and Natural Resources

/s/RON AMSTUTZ

Ron Amstutz, Chair

Representative Ryan moved that the Rules and Reference committee report on resolutions be agreed to and that the House Concurrent Resolution and Senate Concurrent Resolution contained therein be introduced and referred as recommended.

The motion was agreed to.

Said House Concurrent Resolution and Senate Concurrent Resolution were introduced and referred as recommended.

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

H. R. No. 224 - Representative Phillips

Honoring Ohio University for having the top master's in sports administration program in the world for 2015.

Add the name: Hood

H. R. No. 225 - Representative Smith, K.

Honoring Hilltop Elementary School on being selected as a 2015 National Blue Ribbon School.

H. R. No. 226 - Representative Scherer

Honoring Gary Mohr on receiving the 2015 Tom Clements Innovation Award.

H. R. No. 227 - Representatives LaTourette and Butler

Recognizing Pancreatic Cancer Awareness Month, November 2015.

H. R. No. 228 - Representatives Arndt and Boose

Honoring Burnham Orchards on its Bicentennial.

/s/RON AMSTUTZ

Ron Amstutz, Chair

Representative Ryan 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 Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

Am. H. B. No. 244 - Speaker Rosenberger, Representative Johnson, T. Cosponsors: Representatives Ramos, Duffey, Retherford, Terhar, Grossman, Antani, Buchy, Ruhl, Brenner, Romanchuk, Ginter, Derickson, Anielski, Burkley, Bishoff, Dever, Hackett, Perales, Green, Smith, K., Blessing, Brinkman, Schaffer, Kraus, Slesnick, Henne, Hill, Hambley, Koehler, Butler, Brown, Ryan, Sears, Thompson, Sheehy, Pelanda, Lepore-Hagan, Landis, Antonio, Ashford, Baker, Barnes, Boose, Boyd, Celebrezze, Conditt, Craig,

Cupp, DeVitis, Dovilla, Driehaus, Fedor, Hagan, Hall, Hayes, Howse, Johnson, G., Kuhns, Kunze, LaTourette, Leland, Manning, McClain, McColley, O'Brien, S., Patterson, Phillips, Reineke, Rezabek, Roegner, Rogers, Scherer, Schuring, Slaby, Smith, R., Sprague, Stinziano, Strahorn, Sweeney, Sykes, Young, Zeltwanger Senators Brown, Jones, Hughes, LaRose, Yuko, Bacon, Balderson, Beagle, Burke, Cafaro, Coley, Eklund, Faber, Gardner, Gentile, Hite, Hottinger, Jordan, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schiavoni, Seitz, Skindell, Tavares, Thomas, Uecker, Widener, Williams

To enact section 5.28 of the Revised Code to designate the tenth day of November as Armed Services, Peace Officer, First Responder, and Dual Service Recognition Day.

With the following additional amendments, in which the concurrence of the House is requested.

In line 9, after "served" insert ", or who are serving,"

In line 10, after "served" insert ", or who are serving,"

Attest:

Vincent L. Keeran,
Clerk.

The Senate amendments were laid over under the Rule.

MESSAGE FROM THE SPEAKER

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes changes to the membership of the following standing committees:

Education:

Remove Representatives Hayes as Chair and Brenner as Vice Chair; appoint Representatives Brenner as Chair and Hayes as Vice Chair.

Rules and Reference:

Remove Representative McClain; appoint Representative Pelanda.

On motion of Representative Ryan, the House adjourned until Tuesday, October 27, 2015 at 9:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,
Clerk.