

OHIO

House

of

Representatives

JOURNAL

TUESDAY, OCTOBER 27, 2015

ONE HUNDRED FIFTH DAY
Hall of the House of Representatives, Columbus, Ohio
Tuesday, October 27, 2015, 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Deniela Williams of the New Millennium Baptist Church in Akron, 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:

Members of the Miami University chapter of Pi Sigma Epsilon received H.R. 136, presented by Representative Derickson-53rd district.

Jeff Hamsher and International Fellows from Pakistan, guests of Representative Amstutz-1st district.

Stephen Katz, a guest of Representative Brown-3rd district.

Lawrence Fry and Trisha Johnson, guests of Representative Sykes-34th district.

Steve and Gale Jones and students, guests of Representative Conditt-52nd district.

Scott Surovjak, a guest of Representative Clyde-75th district.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bill was introduced:

H. B. No. 381 - Representatives Ramos, Howse.

Cosponsors: Representatives Antonio, Smith, K., Boyd, Slesnick, Lepore-Hagan, O'Brien, M., Boyce, Reece, Phillips, Sheehy.

To enact section 5101.543 of the Revised Code to require the Director of Job and Family Services to request a federal waiver of time limits for certain Supplemental Nutrition Assistance Program recipients.

Said bill was considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Am. H. B. No. 244**-Speaker Rosenberger, Representative Johnson, T., et al., were taken up for consideration.

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.

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

The yeas and nays were taken and resulted – yeas 92, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Anielski	Antani	Antonio
Arndt	Ashford	Baker	Barnes
Blessing	Bocchieri	Boose	Boyce
Boyd	Brenner	Brinkman	Brown
Buchy	Burkley	Butler	Celebrezze
Cera	Clyde	Conditt	Craig
Cupp	Derickson	Dever	DeVitis
Dovilla	Driehaus	Duffey	Fedor
Ginter	Gonzales	Green	Grossman
Hackett	Hagan	Hall	Hambley
Hayes	Henne	Hill	Howse
Huffman	Johnson, G.	Johnson, T.	Koehler
Kuhns	Kunze	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	Slaby	Slesnick
Smith, K.	Smith, R.	Sprague	Stinziano
Strahorn	Sweeney	Sykes	Terhar
Thompson	Young	Zeltwanger	Rosenberger-92

Representative Becker voted in the negative-1.

The Senate amendments were concurred in.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Cera submitted the following report:

The standing committee on Ways and Means to which was referred **Sub. S. B. No. 208**-Senator Beagle, et. al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: INCOME TAX-TECHNICAL CHANGES/JOINT FILING
CREDIT/BUSINESS TAXES

JEFFREY A. MCCLAIN
JACK CERA
NAN A. BAKER
TONY BURKLEY
DENISE DRIEHAUS
MICHAEL HENNE
BILL REINEKE
SCOTT RYAN
MICHAEL SHEEHY

GARY SCHERER
RON AMSTUTZ
TERRY BOOSE
JONATHAN DEVER
STEPHEN D. HAMBLEY
ROBERT MCCOLLEY
JOHN M. ROGERS
TIMOTHY O. SCHAFFER

The following member voted "NO"

JOHN BARNES, JR.

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 Tuesday, October 27, 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 Tuesday, October 27, 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

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

Cosponsors: Senators Peterson, Eklund, Bacon, Coley, Faber, Gardner, Hite,

Hottinger, Jones, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Seitz, Uecker, Widener.

To amend sections 9.66, 122.16, 122.172, 122.173, 5709.65, 5709.66, 5709.92, 5733.33, 5733.42, 5733.98, 5747.01, 5747.02, 5747.05, 5747.054, 5747.055, 5747.056, 5747.059, 5747.21, 5747.212, 5747.22, 5747.27, 5747.28, 5747.29, 5747.331, 5747.37, 5747.65, 5747.66, 5747.71, 5747.75, 5747.76, 5747.80, 5747.81, 5747.98, and 5751.01, to repeal sections 5733.48, 5747.051, 5747.057, 5747.26, 5747.261, 5747.31, 5747.32, 5747.34, 5747.35, 5747.36, 5747.38, 5747.39, and 5747.77 of the Revised Code, and to amend Section 263.325 of Am. Sub. H.B. 64 of the 131st General Assembly to modify the commercial activity tax exclusion for receipts from the sale of certain consumer 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, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Cera moved to amend, amendment 1296, as follows:

In line 11 of the title, delete "Section" and insert "Sections"

In line 12 of the title, after "263.325" insert "and 757.50"

In line 27 of the title, delete "and"

In line 29 of the title, after "2017" insert ", and to add to the topics for which the Ohio 2020 Tax Policy Study Commission must issue a report"

In line 4863, delete "Section" and insert "Sections"; after "263.325" insert "and 757.50"

Between lines 4933 and 4934, insert:

"Sec. 757.50. (A) There is hereby created the Ohio 2020 Tax Policy Study Commission to review the state's tax structure and policies and make recommendations to the General Assembly on all of the following: how to maximize Ohio's competitiveness by the year 2020, ~~on~~ how to transition Ohio's personal income tax to a flat tax of three and one-half per cent or three and three-quarters per cent beginning in tax year 2018, ~~on~~ how to make the tax credit authorized in section 149.311 of the Revised Code more efficient and effective, including converting it to a refundable tax credit or grant

program, how to reform Ohio's tax policies to benefit lower- and middle-income individuals, and on how to reform Ohio's severance tax in a way that maximizes competitiveness and enhances the general welfare of the state. The Commission shall not recommend policies that increase the tax burden on lower- and middle-income individuals.

The Commission shall also review and evaluate every credit against a tax levied by the state and authorized in the Revised Code. The Commission shall consist of the following members:

(1) Three members of the House of Representatives appointed by the Speaker of the House of Representatives who meet the following requirements:

(a) Two shall be members of the majority party, one of whom shall be the Chairperson of the House Ways and Means Committee;

(b) One shall be a member of the minority party.

(2) Three members of the Senate appointed by the President of the Senate who meet the following requirements:

(a) Two shall be members of the majority party, one of whom shall be the Chairperson of the Senate Ways and Means Committee;

(b) One shall be a member of the minority party.

(3) One person appointed by the governor.

(B)(1) The Chairpersons of the House and Senate Ways and Means Committees shall serve jointly as Co-chairpersons of the Commission.

(2) Members of the Commission shall serve without compensation or reimbursement.

(3) Vacancies on the Commission shall be filled in the same manner as original appointments.

(C) The Legislative Service Commission shall provide necessary services to the Commission.

(D) To aid in its review, the Commission shall utilize dynamic analytical tools. Not later than October 1, 2015, the Commission shall publish its findings and recommendations regarding Ohio's severance tax and submit its report to the members of the General Assembly. Not later than October 31, 2016, the Commission shall publish its findings and recommendations regarding the tax credit authorized in section 149.311 of the Revised Code and submit its report to members of the General Assembly. Not later than October 1, 2017, the Commission shall publish its findings and recommendations regarding all other matters before the Commission and submit its report to the members of the General Assembly. Upon submission of all three reports, the Commission shall cease to exist. "

In line 4934, delete "Section" and insert "Sections"; after "263.325"

insert "and 757.50"

In line 4935, delete "is" and insert "are"

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

Representative Pelanda 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 61, nays 32, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Anielski	Antani	Arndt
Baker	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	Huffman
Johnson, T.	Koehler	Kunze	Landis
LaTourette	Maag	Manning	McClain
McColley	Pelanda	Reineck	Retherford
Rezabek	Roegner	Romanchuk	Ruhl
Ryan	Schaffer	Scherer	Schuring
Sears	Slaby	Smith, R.	Sprague
Terhar	Thompson	Young	Zeltwanger
			Rosenberger-61

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Bocchieri
Boyce	Boyd	Brinkman	Celebrezze
Cera	Clyde	Craig	Driehaus
Fedor	Howse	Johnson, G.	Kuhns
Leland	Lepore-Hagan	O'Brien, M.	O'Brien, S.
Patmon	Patterson	Phillips	Ramos
Reece	Rogers	Slesnick	Smith, K.
Stinziano	Strahorn	Sweeney	Sykes-32

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 87, nays 6, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Anielski	Antani	Antonio
Arndt	Ashford	Baker	Blessing
Bocchieri	Boose	Boyce	Boyd
Brenner	Brown	Buchy	Burkley
Butler	Celebrezze	Cera	Clyde
Conditt	Craig	Cupp	Derickson
Dever	DeVitis	Dovilla	Driehaus
Duffey	Ginter	Gonzales	Green
Grossman	Hackett	Hagan	Hall
Hambley	Hayes	Henne	Hill

Howse	Huffman	Johnson, G.	Johnson, T.
Koehler	Kuhns	Kunze	Landis
LaTourette	Leland	Lepore-Hagan	Maag
Manning	McClain	McColley	O'Brien, M.
O'Brien, S.	Patterson	Pelanda	Phillips
Ramos	Reece	Reineke	Retherford
Rezabek	Roegner	Rogers	Ruhl
Ryan	Schaffer	Scherer	Schuring
Sears	Slaby	Slesnick	Smith, K.
Smith, R.	Sprague	Stinziano	Strahorn
Sweeney	Sykes	Terhar	Thompson
Young	Zeltwanger		Rosenberger-87

Representatives Barnes, Becker, Brinkman, Fedor, Patmon, and Romanchuk voted in the negative-6.

The bill passed.

Representative Amstutz moved to amend the title as follows:

Add the names: "Representatives Amstutz, Anielski, Antani, Antonio, Brown, Conditt, Cupp, Derickson, Dever, Dovilla, Duffey, Grossman, Hackett, Hambley, Hayes, Henne, Hill, Huffman, Johnson, T., Kunze, LaTourette, Manning, Ryan, Scherer, Schuring, Sears, Smith, R., Sprague, Terhar, Speaker Rosenberger."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 340-Representative Amstutz.

Cosponsors: Representatives Rogers, Duffey, Grossman, Sweeney, Hambley, Ryan, Smith, R., Baker, Hackett, Ruhl, Young, Derickson, Ginter.

To amend section 189.10 of the Revised Code and to amend Section 701.120 of Am. Sub. H.B. 64 of the 131st General Assembly to extend the operation of the Local Government Innovation Council until December 31, 2019, to modify political subdivision eligibility for the Local Government Safety Capital Grant Program, 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 91, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Anielski	Antani	Antonio
Arndt	Ashford	Baker	Becker
Blessing	Bocchieri	Boose	Boyce
Boyd	Brenner	Brinkman	Brown
Buchy	Burkley	Butler	Celebrezze
Cera	Clyde	Conditt	Craig
Cupp	Derickson	Dever	DeVitis

Dovilla	Driehaus	Duffey	Fedor
Ginter	Gonzales	Green	Grossman
Hackett	Hagan	Hall	Hambley
Hayes	Henne	Hill	Howse
Huffman	Johnson, G.	Johnson, T.	Koehler
Kuhns	Kunze	Landis	LaTourette
Leland	Lepore-Hagan	Maag	Manning
McClain	McColley	O'Brien, M.	O'Brien, S.
Patterson	Pelanda	Phillips	Ramos
Reece	Reineke	Retherford	Rezabek
Roegner	Rogers	Romanchuk	Ruhl
Ryan	Schaffer	Scherer	Schuring
Sears	Slaby	Slesnick	Smith, K.
Smith, R.	Sprague	Stinziano	Strahorn
Sweeney	Sykes	Terhar	Thompson
Young	Zeltwanger		Rosenberger-91

Representative Barnes voted in the negative-1.

Having received the required 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 92, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Anielski	Antani	Antonio
Arndt	Ashford	Baker	Barnes
Becker	Blessing	Bocchieri	Boose
Boyce	Boyd	Brenner	Brinkman
Brown	Buchy	Burkley	Butler
Celebrezze	Cera	Clyde	Conditt
Craig	Cupp	Derickson	Dever
DeVitis	Dovilla	Driehaus	Duffey
Fedor	Ginter	Gonzales	Green
Grossman	Hackett	Hagan	Hall
Hambley	Hayes	Henne	Hill
Howse	Huffman	Johnson, G.	Johnson, T.
Koehler	Kuhns	Kunze	Landis
LaTourette	Leland	Lepore-Hagan	Maag
Manning	McClain	McColley	O'Brien, M.
O'Brien, S.	Patterson	Pelanda	Phillips
Ramos	Reece	Reineke	Retherford
Rezabek	Roegner	Rogers	Romanchuk
Ruhl	Ryan	Schaffer	Scherer
Schuring	Sears	Slaby	Slesnick
Smith, K.	Smith, R.	Sprague	Stinziano
Strahorn	Sweeney	Sykes	Terhar
Thompson	Young	Zeltwanger	Rosenberger-92

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

Representative Amstutz moved to amend the title as follows:

Add the names: "Anielski, Antonio, Arndt, Boose, Boyce, Brown, Buchy, Burkley, Conditt, Craig, Cupp, Dovilla, Green, Hagan, Hall, Henne, Kunze, Leland, Maag, McClain, O'Brien, M., Patterson, Reece, Retherford, Scherer, Schuring, Sears, Slesnick, Smith, K., Sprague, Stinziano, Strahorn, Speaker Rosenberger."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 233-Representative Schuring.

Cosponsors: Representatives Ashford, Baker, Blessing, Boyd, Fedor, Hackett, Hambley, Kraus, Lepore-Hagan, Patmon, Reineke, Scherer, Sears, Sheehy, Green, McColley, Brown, Smith, R.

To amend sections 133.04, 133.06, 149.311, 709.024, 709.19, 3317.021, 5501.311, 5709.12, 5709.82, 5709.83, 5709.831, 5709.832, 5709.85, 5709.91, 5709.911, 5709.913, and 5715.27 and to enact sections 1710.14, 1724.12, 5709.45, 5709.46, and 5709.47 of the Revised Code to authorize municipal corporations to create downtown redevelopment districts and innovation districts for the purposes of promoting the rehabilitation of historic buildings, creating jobs, encouraging economic development in commercial and mixed-use areas, and supporting grants and loans to technology-oriented and other businesses, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 91, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Anielski	Antani	Antonio
Arndt	Ashford	Baker	Barnes
Becker	Blessing	Bocchieri	Boose
Boyce	Boyd	Brenner	Brinkman
Brown	Buchy	Burkley	Butler
Celebrezze	Cera	Clyde	Conditt
Craig	Cupp	Derickson	Dever
DeVitis	Dovilla	Driehaus	Duffey
Fedor	Ginter	Gonzales	Green
Grossman	Hackett	Hagan	Hall
Hambley	Hayes	Henne	Hill
Howse	Huffman	Johnson, G.	Johnson, T.
Koehler	Kuhns	Kunze	Landis
LaTourette	Leland	Lepore-Hagan	Maag
Manning	McClain	McColley	O'Brien, M.
O'Brien, S.	Patterson	Pelanda	Ramos
Reece	Reineke	Retherford	Rezabek
Roegner	Rogers	Romanchuk	Ruhl
Ryan	Schaffer	Scherer	Schuring
Sears	Slaby	Slesnick	Smith, K.
Smith, R.	Sprague	Stinziano	Strahorn

Sweeney
Young

Sykes
Zeltwanger

Terhar

Thompson
Rosenberger-91

The bill passed.

Representative Schuring moved to amend the title as follows:

Add the names: "Amstutz, Anielski, Antonio, Arndt, Boccieri, Boose, Boyce, Buchy, Burkley, Celebrezze, Cera, Clyde, Conditt, Craig, Cupp, Derickson, Dever, Dovilla, Driehaus, Duffey, Ginter, Grossman, Hagan, Hall, Hayes, Henne, Hill, Howse, Huffman, Johnson, G., Kuhns, Leland, Maag, Manning, O'Brien, M., O'Brien, S., Patterson, Pelanda, Ramos, Reece, Retherford, Rezabek, Rogers, Romanchuk, Ruhl, Ryan, Schaffer, Slaby, Slesnick, Smith, K., Stinziano, Strahorn, Sweeney, Sykes, Terhar, Young, Zeltwanger, Speaker Rosenberger."

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 October 27, 2015, signed the following:

Am. Sub. H. B. No. 2-Representatives Dovilla, Roegner – et al.

Sub. H. B. No. 39-Representatives Duffey, DeVitis – et al.

On motion of Representative Amstutz, the House adjourned until Monday, November 2, 2015 at 9:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,
Clerk.