OHIO House of Representatives JOURNAL

ONE HUNDRED THIRTY-SIXTH DAY Hall of the House of Representatives, Columbus, Ohio Wednesday, February 10, 2016, 9:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Jim Stauffer of the Trinity Evangelical United Methodist Church in Upper Sandusky, 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:

The University of Rio Grande men's soccer team received H. R. No. 288, presented by Representative Smith, R.-93rd district.

The Coldwater High School football team received H. R. No. 277, presented by Representative Buchy-84th district.

The Wittenberg University women's volleyball team received H. R. No. 283, presented by Representative Koehler-79th district.

Representatives from the city of New Albany received H. R. No. 243, presented by Representative Gonzales-19th district.

Karen Stemco, Deb Wallace, Sheryl Wooten, and Scott Marier, guests of Representative Gonzales-19th district.

Margie Christie, a guest of Representative Antani-42nd district.

Cole Niswonger, a guest of Representative Koehler-79th district.

Joe Helle, a guest of Representative Arndt-89th district.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 457 - Representatives Hill, Ryan.

Cosponsors: Representatives Burkley, Antonio, Schaffer, Thompson, Blessing, Dever.

To amend section 4501.21 and to enact section 4503.97 of the Revised Code to create the "Fallen Linemen" license plate.

H. B. No. 458 - Representatives Boyd, Rezabek.

Cosponsors: Representatives Kuhns, Sykes, Sweeney, Antonio, Howse, Phillips, Fedor, Lepore-Hagan, Strahorn, Clyde, Slesnick, Ashford, Reece, Ramos, O'Brien, S., Patterson.

To amend section 5101.851 and to enact sections 5101.855 and 5101.856 of

the Revised Code to provide foster care maintenance payments for children in the care of a kinship caregiver without requiring the caregiver to be certified to provide foster care and to require, rather than permit, the creation of the statewide program of kinship care navigators.

H. B. No. 459 - Representative Schuring.

To enact section 3311.051 of the Revised Code to authorize the Auditor of State to conduct a performance audit of an educational service center and to require a comprehensive performance audit of all educational service centers.

Said bills were considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 294**-Representatives Patmon, Conditt, et al., were taken up for consideration.

Sub. H. B. No. 294-Representatives Patmon, Conditt.

Cosponsors: Representatives Brenner, Hood, Terhar, Roegner, Butler, Perales, Sprague, Blessing, Becker, Antani, Retherford, Brinkman, Hagan, Koehler, Hayes, Schaffer, Maag, Hambley, Thompson, McClain, Hall, Hill, Amstutz, Boose, Buchy, Burkley, Derickson, Dovilla, Ginter, Green, Grossman, Hackett, Huffman, Johnson, T., LaTourette, McColley, Pelanda, Romanchuk, Smith, R., Young, Zeltwanger, Speaker Rosenberger Senators Obhof, Jordan, Coley, Widener, Bacon, Balderson, Beagle, Burke, Eklund, Faber, Hite, Hottinger, Jones, LaRose, Lehner, Oelslager, Seitz, Uecker.

To enact section 3701.034 of the Revised Code and to amend Section 289.20 of Am. Sub. H.B. 64 of the 131st General Assembly to require the Department of Health to ensure that state funds and certain federal funds are not used either to perform or promote nontherapeutic abortions, or to contract or affiliate with any entity that performs or promotes nontherapeutic abortions; to provide for health departments and WIC clinics to determine presumptive eligibility for pregnant women and children; and to allocate existing funding within the Ohio Department of Health's budget to the Ohio Association of Community Health Centers for safe sleep, birth spacing, and smoking cessation initiatives.

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

The yeas and nays were taken and resulted – yeas 62, nays 32, as follows:

Amstutz	Anielski	Antani	Arndt
Baker	Becker	Blessing	Boose
Brenner	Brinkman	Brown	Buchy
Burkley	Butler	Conditt	Cupp

Derickson Dever **DeVitis** Dovilla Duffey Ginter Gonzales Green Hackett Hagan Hall Hambley Haves Henne Hill Hood Huffman Johnson, T. Koehler Kunze Landis LaTourette McClain McColley Patmon Pelanda Perales Reineke Retherford Roegner Romanchuk Ruhl Schaffer Ryan Scherer Schuring Sears Slaby Smith, R. Sprague Terhar Thompson Vitale Young Zeltwanger Rosenberger-62

Those who voted in the negative were: Representatives

Antonio Ashford Bishoff Boggs Bovce Bovd Celebrezze Cera Clyde Craig Curtin Driehaus Fedor Johnson, G. Kuhns Leland Lepore-Hagan Manning O'Brien, M. O'Brien, S. Patterson Phillips Ramos Reece Rezabek Rogers Sheehy Slesnick Smith, K. Strahorn Sweeney Sykes-32

The Senate amendments were concurred in.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

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

H. B. No. 443 - Representatives Johnson, T. and Antonio TO ADOPT REQUIREMENTS RELATED TO STEP THERAPY PROTOCOLS IMPLEMENTED BY HEALTH PLAN ISSUERS AND THE DEPARTMENT OF MEDICAID.

To the committee on Insurance

H. B. No. 444 - Representative Blessing

TO ALLOW CERTAIN D LIQUOR PERMIT HOLDERS TO PROVIDE FREE TASTING SAMPLES OF BEER, WINE, AND SPIRITUOUS LIQUOR TO A PERSON WHO IS 21 YEARS OLD OR OLDER AND A PAYING CUSTOMER OF THE PERMIT HOLDER.

To the committee on Government Accountability and Oversight

H. B. No. 445 - Representatives Dovilla and Anielski
TO MAKE CHANGES TO THE COLLEGE CREDIT PLUS PROGRAM
AND TO SPECIFY THAT STUDENTS PARTICIPATING IN THE
PROGRAM SHALL NOT BE DENIED THE OPPORTUNITY TO
PARTICIPATE IN EXTRACURRICULAR ACTIVITIES BASED SOLELY

UPON PARTICIPATION IN THE CCP PROGRAM. To the committee on Education

H. B. No. 446 - Representative Manning

TO SPECIFY THAT THE PRISON TERM THAT MAY BE IMPOSED FOR A THIRD DEGREE FELONY OPERATING A VEHICLE WHILE INTOXICATED ("OVI") OFFENSE IS A DEFINITE PERIOD OF TWELVE, EIGHTEEN, TWENTY-FOUR, THIRTY, THIRTY-SIX, FORTY-TWO, FORTY-EIGHT, FIFTY-FOUR, OR SIXTY MONTHS, TO ADD "HARMFUL INTOXICANT" TO THE DEFINITION OF "DRUG OF ABUSE" FOR THE PURPOSES OF COMMERCIAL DRIVER'S LICENSING LAW, TO ALLOW A PERSON TO ASSERT THE EXISTING AFFIRMATIVE DEFENSE OF DRIVING IN AN EMERGENCY WITH REGARD TO A PROSECUTION FOR DRIVING UNDER A SUSPENDED DRIVER'S LICENSE UNDER SPECIFIED LAWS, AND TO SPECIFY THAT CERTAIN ENHANCED PENALTIES FOR SPEEDING VIOLATIONS APPLY REGARDLESS OF WHETHER THE OFFENDER PREVIOUSLY HAS BEEN CONVICTED OF OR PLEADED GUILTY TO SPEEDING.

To the committee on Judiciary

H. B. No. 447 - Representatives Schuring and Slesnick TO PROHIBIT A PERSON FROM INTENTIONALLY KILLING A POLICE DOG IN THE LINE OF DUTY.

To the committee on State Government

H. B. No. 448 - Representative Cupp

TO PROHIBIT A PERSON WHO HAS BEEN CONVICTED OF AN UNSEALABLE OFFENSE FROM CHANGING THE PERSON'S NAME AND TO REQUIRE A COURT THAT IS CONSIDERING A NAME CHANGE APPLICATION TO OBTAIN A CRIMINAL RECORDS CHECK TO DETERMINE WHETHER THE PERSON IS INELIGIBLE FOR THE CHANGE.

To the committee on Judiciary

H. B. No. 449 - Representatives Romanchuk and Amstutz TO DESIGNATE FEBRUARY 3 AS "CHARLES FOLLIS DAY." To the committee on State Government

H. B. No. 450 - Representatives Thompson and Hall TO AUTHORIZE A LAW ENFORCEMENT OFFICER TO PURCHASE A POLICE DOG OR HORSE FOR ONE DOLLAR WHEN THE OFFICER RETIRES IN GOOD STANDING FROM A LAW ENFORCEMENT AGENCY AND CERTAIN CONDITIONS ARE MET.

To the committee on State Government

H. B. No. 451 - Representative Boose

TO PROVIDE THAT AN INDIVIDUAL'S STATUTORY PRIORITY TO DECIDE WHETHER OR NOT TO WITHHOLD OR WITHDRAW LIFE-SUSTAINING TREATMENT FOR THE INDIVIDUAL'S RELATIVE IS FORFEITED IF THE INDIVIDUAL IS THE SUBJECT OF A TEMPORARY PROTECTION ORDER OR CIVIL PROTECTION ORDER AND THE RELATIVE IS THE ALLEGED VICTIM OR IF THE INDIVIDUAL AND THE RELATIVE ARE MARRIED AND THE PARTIES TO A DIVORCE, DISSOLUTION, LEGAL SEPARATION, OR ANNULMENT PROCEEDING.

To the committee on Judiciary

H. B. No. 452 - Representative Vitale

TO GENERALLY PERMIT A CONCEALED HANDGUN LICENSEE TO CARRY A CONCEALED HANDGUN IN A PLACE OF WORSHIP. To the committee on State Government

H. B. No. 453 - Representative Arndt

TO DESIGNATE A PORTION OF STATE ROUTE 6 IN ERIE COUNTY AS THE "ARMY SPECIALIST DENNIS RAMON MEMORIAL HIGHWAY." To the committee on Transportation and Infrastructure

H. J. R. No. 6 - Representative Johnson, T.

PROPOSING TO ENACT SECTION 18 OF ARTICLE VIII OF THE CONSTITUTION OF THE STATE OF OHIO TO PROHIBIT STATE AGENCIES AND THE STATE'S PUBLIC RETIREMENT SYSTEMS FROM CONTRACTING WITH AND INVESTING IN COMPANIES WITH CERTAIN BUSINESS OPERATIONS IN COUNTRIES DESIGNATED AS STATE SPONSORS OF TERRORISM AND TO REQUIRE STATE AGENCIES AND PUBLIC RETIREMENT SYSTEMS TO DIVEST INVESTMENTS FROM SUCH COMPANIES.

To the committee on Government Accountability and Oversight

RON AMSTUTZ
BILL HAYES
RON HOOD
STEPHANIE KUNZE
SCOTT RYAN
NICKIE J. ANTONIO
NICHOLAS CELEBREZZE
ANDREW BRENNER
RON HOOD
DOROTHY PELANDA
FRED STRAHORN
KEVIN BOYCE
DANIEL RAMOS

The report was agreed to.

Said House Bills and House Joint Resolution were considered the second time and referred as recommended.

MOTIONS AND RESOLUTIONS

Representative Dovilla moved that majority party members asking leave to be absent or absent the week of Wednesday, February 10, 2016, 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, February 10, 2016, 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. Sub. S. B. No. 260-Senator Coley.

Cosponsors: Senators LaRose, Gardner, Tavares, Burke, Eklund, Hite, Hottinger, Lehner, Manning, Oelslager, Patton, Sawyer, Seitz, Thomas, Williams, Yuko Representative Schuring.

To make capital reappropriations for the biennium ending June 30, 2018, and certain capital appropriations, 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:

Antonio

Amstutz	Anielski	Antanı	Antonio
Arndt	Ashford	Baker	Barnes
Becker	Bishoff	Blessing	Boggs
Boose	Boyce	Boyd	Brenner
Brinkman	Brown	Buchy	Burkley
Butler	Celebrezze	Cera	Clyde
Conditt	Craig	Cupp	Curtin
Derickson	Dever	DeVitis	Dovilla
Driehaus	Duffey	Fedor	Ginter
Gonzales	Green	Hackett	Hagan
Hall	Hambley	Hayes	Henne
Hill	Hood	Huffman	Johnson, G.
Johnson, T.	Koehler	Kuhns	Kunze
Landis	LaTourette	Leland	Lepore-Hagan
Manning	McClain	McColley	O'Brien, M.
O'Brien, S.	Patmon	Patterson	Pelanda
Perales	Phillips	Ramos	Reece
Reineke	Retherford	Rezabek	Roegner
Rogers	Romanchuk	Ruhl	Ryan
Schaffer	Scherer	Schuring	Sears
Sheehy	Slaby	Slesnick	Smith, K.
Smith, R.	Sprague	Strahorn	Sweeney
Sykes	Terhar	Thompson	Vitale
Young	Zeltwanger		Rosenberger-95

Representative Smith, R. moved to amend the title as follows:

Add the names: "Amstutz, Anielski, Antonio, Arndt, Ashford, Baker, Bishoff, Blessing, Brown, Celebrezze, Conditt, Dovilla, Driehaus, Fedor, Ginter, Green, Hackett, Hall, Hambley, Kuhns, Landis, Lepore-Hagan, Manning, O'Brien, M., O'Brien, S., Patterson, Perales, Phillips, Ramos, Reece, Reineke, Rogers, Ruhl, Schaffer, Scherer, Sears, Sheehy, Slaby, Slesnick, Smith, K., Smith, R., Sweeney, Young."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 185-Representative Koehler.

Cosponsors: Representatives Grossman, Becker, Amstutz, Buchy, Rezabek.

To amend sections 2909.03 and 2909.11 of the Revised Code to eliminate lack of the property owner's consent as an element of arson when the property is an unoccupied structure and to make the consent of the owner of an unoccupied structure an affirmative defense, 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 Arndt Ashford Baker Barnes Becker Bishoff Blessing Boggs Boose Bovce Boyd Brenner Brinkman Brown Buchy Burkley Butler Celebrezze Cera Clvde Conditt Curtin Craig Cupp Derickson Dever **DeVitis** Dovilla Driehaus Duffey Fedor Ginter Gonzales Hackett Hagan Green Hall Hambley Haves Henne Hill Hood Huffman Johnson, G. Johnson, T. Koehler Kuhns Kunze Landis LaTourette Leland Lepore-Hagan Manning McClain McColley O'Brien, M. O'Brien, S. Patmon Patterson Pelanda Perales Phillips Ramos Reece Reineke Retherford Rezabek Roegner Rogers Romanchuk Ruhl Ryan Schaffer Scherer Schuring Sears Sheehv Slesnick Smith, K. Slaby Smith, R. Sprague Strahorn Sweenev Sykes Terhar Thompson Vitale Young Zeltwanger Rosenberger-95

Representative Koehler moved to amend the title as follows:

Add the names: "Anielski, Antonio, Arndt, Ashford, Baker, Boose, Brown, Burkley, Celebrezze, Cera, Cupp, Fedor, Green, Hackett, Hambley, Hayes, Henne, Johnson, G., Kuhns, Kunze, Landis, Leland, Lepore-Hagan, Manning, O'Brien, M., Pelanda, Perales, Rogers, Ruhl, Schaffer, Sheehy, Smith, R., Sprague, Strahorn, Sweeney, Thompson."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 182-Representative Schuring.

Cosponsor: Representative Baker.

To amend sections 715.72, 715.79, 715.80, 715.81, 715.82, 715.83, 5709.61, 5709.82, 5733.06, 5733.41, 5747.02, and 5747.41, to enact section 5709.634, and to repeal sections 715.73, 715.74, 715.75, 715.76, 715.761, 715.77, 715.771, and 715.78 of the Revised Code to revise the law governing the creation and operation of joint economic development districts (JEDDs) and enterprise zones, 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:

Amstutz	Anielski	Antani	Antonio
Arndt	Ashford	Baker	Barnes
Becker	Bishoff	Blessing	Boggs
Boose	Boyce	Boyd	Brenner
Brinkman	Brown	Buchy	Burkley
Butler	Celebrezze	Cera	Clyde
Conditt	Craig	Cupp	Curtin
Derickson	Dever	DeVitis	Dovilla
Driehaus	Duffey	Fedor	Ginter
Gonzales	Green	Hackett	Hagan
Hall	Hambley	Hayes	Henne
Hill	Hood	Huffman	Johnson, G.
Johnson, T.	Koehler	Kuhns	Kunze
Landis	LaTourette	Leland	Lepore-Hagan
Manning	McClain	McColley	O'Brien, M.
O'Brien, S.	Patmon	Patterson	Pelanda
Perales	Phillips	Ramos	Reece
Reineke	Retherford	Rezabek	Roegner
Rogers	Romanchuk	Ruhl	Ryan
Schaffer	Scherer	Schuring	Sears
Sheehy	Slaby	Slesnick	Smith, K.
Smith, R.	Sprague	Strahorn	Sweeney
Sykes	Terhar	Thompson	Vitale
Young	Zeltwanger		Rosenberger-95

Representative Schuring moved to amend the title as follows:

Add the names: "Anielski, Antonio, Arndt, Brown, Buchy, Burkley, Celebrezze, Dovilla, Driehaus, Duffey, Fedor, Ginter, Green, Hackett, Hambley, Hayes, Landis, Lepore-Hagan, Manning, McColley, O'Brien, M., O'Brien, S., Patterson, Perales, Reineke, Rezabek, Rogers, Romanchuk, Schaffer, Sears, Sheehy, Slaby, Slesnick, Smith, K., Smith, R., Sprague, Strahorn, Sweeney, Thompson, Young."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 405-Representatives Schaffer, Smith, K. Cosponsors: Representatives Celebrezze, Conditt.

To amend section 2907.07 of the Revised Code to amend the penalties for the offense of importuning, 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 Arndt Ashford Baker Barnes Becker Bishoff Blessing Boggs Boose Boyce Boyd Brenner Brinkman Brown Buchy Burkley Butler Celebrezze Cera Clyde Conditt Craig Cupp Curtin Derickson Dever **DeVitis** Dovilla Driehaus Duffey Fedor Ginter Gonzales Green Hackett Hagan Hall Hambley Hayes Henne Hill Hood Huffman Johnson, G. Johnson, T. Koehler Kuhns Kunze Landis LaTourette Leland Lepore-Hagan O'Brien, M. Manning McClain McColley O'Brien, S. Patmon Patterson Pelanda Perales **Phillips** Ramos Reece Reineke Retherford Rezabek Roegner Rogers Romanchuk Ruhl Ryan Schaffer Scherer Schuring Sears Sheehy Slaby Slesnick Smith, K. Smith, R. Sprague Strahorn Sweeney Sykes Terhar Thompson Vitale Young Zeltwanger Rosenberger-95 Representative Schaffer moved to amend the title as follows:

Add the names: "Anielski, Antonio, Arndt, Ashford, Baker, Boyce, Brown, Buchy, Burkley, Craig, Cupp, Dovilla, Driehaus, Duffey, Fedor, Ginter, Hackett, Hagan, Hall, Hayes, Hill, Huffman, Johnson, T., Koehler, Kunze, Landis, LaTourette, Lepore-Hagan, Manning, McClain, O'Brien, M., O'Brien, S., Patterson, Pelanda, Perales, Phillips, Reineke, Rogers, Romanchuk, Schuring, Sears, Sheehy, Slaby, Slesnick, Strahorn, Sweeney, Thompson, Young, Zeltwanger."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 167-Representative Sweeney.

Cosponsor: Representative Hambley.

To amend section 103.11 of the Revised Code regarding the term of a General Assembly member as a member of the Legislative Service Commission, 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:

Amstutz	Anielski	Antani	Antonio
Arndt	Ashford	Baker	Barnes
Becker	Bishoff	Blessing	Boggs
Boose	Boyce	Boyd	Brenner
Brinkman	Brown	Buchy	Burkley
Butler	Celebrezze	Cera	Clyde
Conditt	Craig	Cupp	Curtin
Derickson	Dever	DeVitis	Dovilla
Driehaus	Duffey	Fedor	Ginter
Gonzales	Green	Hackett	Hagan
Hall	Hambley	Hayes	Henne
Hill	Hood	Huffman	Johnson, G.
Johnson, T.	Koehler	Kuhns	Kunze
Landis	LaTourette	Leland	Lepore-Hagan
Manning	McClain	McColley	O'Brien, M.
O'Brien, S.	Patmon	Patterson	Pelanda
Perales	Phillips	Ramos	Reece
Reineke	Retherford	Rezabek	Roegner
Rogers	Romanchuk	Ruhl	Ryan
Schaffer	Scherer	Schuring	Sears
Sheehy	Slaby	Slesnick	Smith, K.
Smith, R.	Sprague	Strahorn	Sweeney
Sykes	Terhar	Thompson	Vitale
Young	Zeltwanger		Rosenberger-95

Representative Sweeney moved to amend the title as follows:

Add the names: "Amstutz, Anielski, Arndt, Ashford, Blessing, Brown, Buchy, Celebrezze, Clyde, Conditt, Craig, Derickson, Dever, Fedor, Ginter, Green, Hagan, Henne, Johnson, G., Kuhns, Landis, Leland, Manning, O'Brien, M., Perales, Ramos, Rezabek, Roegner, Rogers, Ruhl, Scherer, Sprague, Sykes, Vitale."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

MESSAGE FROM THE SPEAKER

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

MESSAGE FROM THE SPEAKER

Pursuant to Section 3333.373 of the Ohio Revised Code, the Speaker hereby appoints Representative Duffey to the Scholarship Rules Advisory Committee.

On motion of Representative Amstutz, the House adjourned until Thursday, February 11, 2016 at 9:00 o'clock a.m.

Attest:	BRADLEY J. YOUNG,
	Clerk.