

OHIO

House

of

Representatives

JOURNAL

TUESDAY, MAY 10, 2016

ONE HUNDRED SIXTY-NINTH DAY
Hall of the House of Representatives, Columbus, Ohio
Tuesday, May 10, 2016, 9:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Brad Jury of the Capitol Commission in Columbus, 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:

Madison Stiffler and Ana Abduljelil received H. Rs. No. 416 and 417 respectively, presented by Representative Bishoff-20th district.

George Clemens received H. R. No. 338, presented by Representative Burkley-82nd district.

Roy Church received H. R. No. 419, presented by Representative Manning-55th district.

Kyle Zapadka, a guest of Representative Brown-3rd district.

Sheany, a guest of Representative Antonio-13th district.

Connor McAfee, a guest of Representative Gonzales-19th district.

Lori Unumb, a guest of Representative Terhar-30th district.

Patrick O'Connor, a guest of Representative Conditt-52nd district.

Dennis O'Hara, a guest of Representative Bocchieri-59th district.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 555 - Representatives Patterson, Boggs.

Cosponsors: Representatives Ramos, Slesnick, Lepore-Hagan, Blessing.

To amend section 4303.05 of the Revised Code to allow A-4 liquor permit holders to manufacture and sell ice cream containing between one-half of one per cent and six per cent of alcohol by volume.

H. B. No. 556 - Representatives Duffey, Bishoff.

To amend section 3311.06 of the Revised Code to make boundaries of certain school districts that are parties to an annexation agreement permanent under state law.

Said bills were considered the first time.

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 be considered for the second time and referred to the following committees for consideration:

H. B. No. 548 - Representative Schuring
REGARDING THE AUTHORITY OF CERTIFIED REGISTERED NURSE
ANESTHETISTS TO SELECT, ORDER, AND ADMINISTER DRUGS
AND TO DIRECT CERTAIN OTHER PERSONS TO ADMINISTER
DRUGS OR PERFORM CLINICAL SUPPORT FUNCTIONS.
To the committee on Health and Aging

H. B. No. 554 - Representative Amstutz
TO REVISE THE REQUIREMENTS FOR RENEWABLE ENERGY,
ENERGY EFFICIENCY SAVINGS, AND PEAK DEMAND REDUCTION
AND TO REVISE PROVISIONS GOVERNING WHICH CUSTOMERS
CAN OPT OUT OF RELATED PROGRAMS.
To the committee on Public Utilities

RON AMSTUTZ
BILL HAYES
STEPHANIE KUNZE
SCOTT RYAN
NICKIE J. ANTONIO
NICHOLAS CELEBREZZE

ANDREW BRENNER
RON HOOD
DOROTHY PELANDA
FRED STRAHORN
KEVIN BOYCE

Representative Schuring 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 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 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 resolutions be read by title only and approved:

H. R. No. 420 - Representative Thompson
Honoring the Waterford High School girls basketball team on winning the 2016 Division IV State Championship.

H. R. No. 421 - Representative Patterson

Honoring Geneva Township on its Two Hundredth Anniversary.

H. R. No. 422 - Representative Ruhl

Honoring Vincent Jingwei Baker as a 2015 U.S. Chess Federation Champion.

/s/RON AMSTUTZ

Ron Amstutz, Chair

Representative Schuring 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.

BILLS FOR THIRD CONSIDERATION**Sub. H. B. No. 523-Representative Huffman.**

Cosponsors: Representatives Schuring, Ramos, Brown, Celebrezze.

To amend sections 109.572, 519.21, 4123.54, 4729.75, 4729.80, 4729.81, 4729.82, 4729.83, 4729.84, 4729.85, and 4729.86 and to enact sections 3796.01, 3796.02, 3796.03, 3796.04, 3796.06, 3796.07, 3796.10, 3796.11, 3796.12, 3796.13, 3796.14, 3796.15, 3796.18, 3796.19, 3796.20, 3796.21, 3796.22, 3796.23, 3796.24, 3796.26, 3796.27, 3796.28, 3796.29, 3796.30, 4729.771, and 4731.283 of the Revised Code to authorize the use of marijuana for medical purposes and to establish the Medical Marijuana Control Program, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 71, nays 26, as follows:

Those who voted in the affirmative were: Representatives

Anielski	Antani	Arndt	Ashford
Baker	Barnes	Bishoff	Boggs
Boose	Boyce	Brenner	Brinkman
Brown	Burkley	Celebrezze	Clyde
Craig	Cupp	Curtin	Derickson
Dever	DeVitis	Driehaus	Duffey
Ginter	Gonzales	Grossman	Hambley
Hayes	Henne	Hill	Howse
Huffman	Koehler	Kuhns	Kunze
Landis	LaTourette	Leland	Lepore-Hagan
Maag	Manning	McClain	McColley
O'Brien, M.	O'Brien, S.	Patmon	Patterson
Pelanda	Perales	Phillips	Ramos
Reineke	Rezabek	Rogers	Ruhl
Ryan	Scherer	Schuring	Sears
Sheehy	Slaby	Slesnick	Smith, K.
Smith, R.	Strahorn	Sweeney	Sykes
Terhar	Young		Rosenberger-71

Those who voted in the negative were: Representatives

Amstutz	Antonio	Becker	Blessing
Bocchieri	Buchy	Butler	Cera
Conditt	Dean	Dovilla	Fedor
Green	Hagan	Hall	Hood
Johnson, G.	Johnson, T.	Reece	Retherford
Roegner	Romanchuk	Schaffer	Sprague
Thompson			Vitale-26

The bill passed.

Representative Huffman moved to amend the title as follows:

Add the names: "Maag, Perales, Rogers, Ruhl, Terhar."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. H. B. No. 375-Representatives Brown, Arndt.

Cosponsors: Representatives LaTourette, Rogers, Hambley.

To enact section 505.872 of the Revised Code 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, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 84, nays 13, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Anielski	Antani	Antonio
Arndt	Ashford	Baker	Barnes
Becker	Bishoff	Boggs	Boose
Boyce	Brenner	Brown	Buchy
Burkley	Butler	Celebrezze	Clyde
Conditt	Craig	Cupp	Curtin
Derickson	DeVitis	Dovilla	Driehaus
Duffey	Ginter	Gonzales	Grossman
Hagan	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	Perales	Phillips	Ramos
Reece	Reineke	Rezabek	Roegner
Rogers	Romanchuk	Ruhl	Ryan
Schaffer	Scherer	Schuring	Sears
Sheehy	Slaby	Slesnick	Smith, K.
Smith, R.	Sprague	Strahorn	Sweeney
Sykes	Thompson	Young	Rosenberger-84

Those who voted in the negative were: Representatives

Blessing	Bocieri	Brinkman	Cera
Dean	Dever	Fedor	Green
Hall	Hood	Retherford	Terhar
			Vitale-13

The bill passed.

Representative Brown moved to amend the title as follows:

Add the names: "Anielski, Sweeney."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 440-Representative Anielski.

Cosponsors: Representatives Kunze, Grossman, Perales.

To enact section 5.48 of the Revised Code to designate the Saturday before Thanksgiving as "Ohio Survivors of Suicide Loss Day", was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 96, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Anielski	Antani	Antonio
Arndt	Ashford	Baker	Barnes
Becker	Bishoff	Blessing	Bocieri
Boggs	Boose	Boyce	Brenner
Brinkman	Brown	Buchy	Burkley
Butler	Celebrezze	Cera	Clyde
Conditt	Craig	Cupp	Curtin
Derickson	Dever	DeVitis	Dovilla
Driehaus	Duffey	Fedor	Ginter
Gonzales	Green	Grossman	Hagan
Hall	Hambley	Hayes	Henne
Hill	Hood	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	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	Rosenberger-96

Representative Dean voted in the negative-1.

The bill passed.

Representative Anielski moved to amend the title as follows:

Add the names: "Antani, Antonio, Arndt, Baker, Barnes, Bishoff, Blessing, Boggs, Boose, Boyce, Brown, Buchy, Butler, Celebrezze, Clyde, Craig, Cupp, Derickson, Dever, DeVitis, Duffey, Hagan, Hall, Hayes, Johnson, G., Johnson, T., Kuhns, Landis, Leland, Manning, McClain, O'Brien, M., O'Brien, S., Patterson, Pelanda, Phillips, Ramos, Reineke, Rogers, Ruhl, Ryan, Schaffer, Scherer, Sheehy, Slaby, Slesnick, Smith, R., Sprague, Strahorn, Sweeney, Sykes, Terhar, Thompson."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 411-Representative Pelanda.

Cosponsors: Representatives Hackett, Boccieri, Dever, Brown, Duffey, Rogers, Romanchuk, Sheehy, Butler, Ginter, Johnson, T., Ramos.

To enact section 5.256 of the Revised Code to designate September 26 as "Diffuse Intrinsic Pontine Glioma Awareness Day", 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 1, as follows:

Those who voted in the affirmative were: Representatives

Amstutz	Anielski	Antani	Antonio
Arndt	Ashford	Baker	Barnes
Becker	Bishoff	Blessing	Boccieri
Boggs	Boose	Boyce	Brenner
Brinkman	Brown	Buchy	Burkley
Butler	Celebrezze	Cera	Clyde
Conditt	Craig	Cupp	Curtin
Derickson	Dever	DeVitis	Dovilla
Driehaus	Duffey	Fedor	Ginter
Gonzales	Green	Grossman	Hagan
Hall	Hambley	Hayes	Henne
Hill	Hood	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	Perales	Phillips
Ramos	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		Rosenberger-95

Representative Dean voted in the negative-1.

The bill passed.

Representative Pelanda moved to amend the title as follows:

Add the names: "Anielski, Antonio, Arndt, Bishoff, Blessing, Buchy, Celebrezze, Conditt, Craig, Grossman, Hall, Johnson, G., O'Brien, M., O'Brien, S., Phillips, Reineke, Schaffer, Slaby, Sprague, Sweeney, Sykes, Young."

The motion was agreed to and the title so amended.

The title as amended 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:

Sub. H. B. No. 116 - Representatives Brown, Ginter

Cosponsors: Representatives Becker, Kuhns, Kraus, Lepore-Hagan, Huffman, Barnes, Bishoff, Duffey, Ramos, Anielski, Antonio, Baker, Blessing, Boyce, Boyd, Buchy, Burkley, Celebrezze, Clyde, Conditt, Craig, Derickson, Dever, Dovilla, Driehaus, Fedor, Green, Hackett, Hall, Hambley, Hayes, Henne, Hill, Howse, Johnson, G., Kunze, Landis, Leland, Maag, Manning, McClain, O'Brien, M., Patterson, Pelanda, Reece, Rogers, Romanchuk, Ruhl, Ryan, Schaffer, Scherer, Schuring, Sears, Sheehy, Slaby, Slesnick, Smith, K., Smith, R., Sprague, Stinziano, Strahorn, Sweeney, Sykes, Terhar, Young, Speaker Rosenberger Senators Tavares, Williams, Balderson, Beagle, Brown, Burke, Coley, Eklund, Hite, Hottinger, Jones, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Schiavoni, Seitz, Thomas, Uecker, Yuko

To amend sections 1739.05, 3719.04, 3719.07, 3719.121, 3719.21, 4729.281, 4729.39, 4729.571, 4730.11, 4730.49, and 5167.12 and to enact sections 1751.68, 3923.602, 4729.20, 4729.561, and 5164.7511 of the Revised Code regarding insurance and Medicaid coverage of medication synchronization, professional discipline for actions involving dangerous drugs, consult agreements between pharmacists and physicians, pharmacists dispensing or selling drugs without a prescription, prescriptive authority of physician assistants, and acceptance of a certificate of need application for a new nursing home.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

Vincent L. Keeran,
Clerk.

The Senate amendments were laid over under the Rule.

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. Sub. H. B. No. 207 - Representatives Henne, McColley

Cosponsors: Representatives Boose, Romanchuk, Hambley, Burkley, Hood, Sprague, Terhar, Maag, Reineke, Hackett, DeVitis, Retherford, Sears, Amstutz, Anielski, Antani, Antonio, Arndt, Barnes, Bishoff, Blessing, Brenner, Buchy, Butler, Conditt, Cupp, Derickson, Dever, Dovilla, Duffey, Ginter, Green, Grossman, Hall, Hayes, Hill, Huffman, Koehler, LaTourette, Manning, McClain, O'Brien, M., O'Brien, S., Patterson, Pelanda, Perales, Phillips, Rezabek, Rogers, Ruhl, Ryan, Schaffer, Scherer, Schuring, Slesnick, Smith, R., Stinziano, Sweeney, Thompson, Young, Zeltwanger, Speaker Rosenberger Senators Hottinger, Beagle, Bacon, Brown, Balderson, Burke, Coley, Eklund, Faber, Gardner, Hite, Jones, Obhof, Oelslager, Peterson, Schiavoni, Seitz, Yuko

To amend sections 4123.35, 4123.93, and 4123.931 and to enact section 4123.932 of the Revised Code to eliminate the minimum number of employees required for a private sector employer or a board of county commissioners with respect to the construction of a sports facility to obtain self-insuring status under the Workers' Compensation Law and to allow a state fund employer to have a workers' compensation claim that is likely to be subrogated by a third party paid from the surplus fund account in the state insurance fund rather than charged to the employer's experience.

As a substitute bill with the following additional amendment, in which the concurrence of the House is requested.

In line 1 of the title, delete "and"; after "4123.931" insert ", and 4125.07"

In line 8 of the title, delete "and" and insert a comma

In line 13 of the title, after "experience" insert "and to require a self-insuring employer resuming paying premiums to the State Insurance Fund or a self-insuring professional employer organization after a lease termination to submit certain records to the Administrator of Workers' Compensation"

In line 14, delete "and"; after "4123.931" insert ", and 4125.07"

In line 411, strike through everything after "(I)"

Strike through lines 412 through 416 and insert "A self-insuring employer that returns to the state insurance fund as a state fund employer"

shall provide the administrator with medical costs and indemnity costs by claim, and payroll by manual classification and year, and such other information the administrator may require. The self-insuring employer shall submit this information by dates and in a format determined by the administrator. The administrator shall develop a state fund experience modification factor for a self-insuring employer that returns to the state insurance fund based in whole or in part on the employer's self-insured experience and the information submitted."

Between lines 994 and 995, insert:

"Sec. 4125.07. (A) As used in this section, "self-insuring employer" has the same meaning as in section 4123.01 of the Revised Code.

(B) Not later than fourteen calendar days after the date on which a professional employer organization agreement is terminated, the professional employer organization is adjudged bankrupt, the professional employer organization ceases operations within the state of Ohio, or the registration of the professional employer organization is revoked, the professional employer organization shall submit to the administrator of workers' compensation and each client employer associated with that professional employer organization a completed workers' compensation lease termination notice form provided by the administrator. The completed form shall include all client payroll and claim information listed in a format specified by the administrator and notice of all workers' compensation claims that have been reported to the professional employer organization in accordance with its internal reporting policies.

(C)(1) If a professional employer organization that is a self-insuring employer is required to submit a workers' compensation lease termination notice form under division (B) of this section, not later than fourteen calendar days after the lease termination the professional employer organization shall submit all of the following to the administrator for any years necessary for the administrator to develop a state fund experience modification factor for each client employer involved in the lease termination:

(a) The payroll of each client employer involved in the lease termination, organized by manual classification and year;

(b) The medical and indemnity costs of each client employer involved in the lease termination, organized by claim;

(c) Any other information the administrator may require to develop a state fund experience modification factor for each client employer involved in the lease termination.

(2) The administrator may require a professional employer organization to submit the information required under division (C)(1) of this section at additional times after the initial submission if the administrator

determines that the information is necessary for the administrator to develop a state fund experience modification factor.

(3) The administrator may revoke or refuse to renew a professional employer organization's status as a self-insuring employer if the professional employer organization fails to provide information requested by the administrator under division (C)(1) or (2) of this section.

(D) The administrator shall use the information provided under division (C) of this section to develop a state fund experience modification factor for each client employer involved in a lease termination with a professional employer organization that is a self-insuring employer.

(E) A professional employer organization shall report any transfer of employees between related professional employer organization entities or professional employer organization reporting entities to the administrator within fourteen calendar days after the date of the transfer on a form prescribed by the administrator. The professional employer organization or professional employer organization reporting entity shall include in the form all client payroll and claim information regarding the transferred employees listed in a format specified by the administrator and a notice of all workers' compensation claims that have been reported to the professional employer organization or professional employer organization reporting entity in accordance with the internal reporting policies of the professional employer organization or professional employer organization reporting entity.

(F) Prior to entering into a professional employer organization agreement with a client employer, a professional employer organization shall disclose in writing to the client employer the reporting requirements that apply to the professional employer organization under division (C) of this section and that the administrator must develop a state fund experience modification factor for each client employer involved in a lease termination with a professional employer organization that is a self-insuring employer."

In line 995, delete "and"

In line 996, after "4123.931" insert ", and 4125.07"

In line 997, after "3." delete the balance of the line

Delete lines 998 through 1000 and insert:

"(A) Sections 4123.93 and 4123.931 of the Revised Code, as amended by this act and section 4123.932 of the Revised Code, as enacted by this act, apply to a claim under Chapter 4121., 4123., 4127., or 4131. of the Revised Code arising on or after July 1, 2017.

(B) Section 4123.35 of the Revised Code, as amended by this act, applies to every self-insuring employer that returns to the State Insurance Fund on or after January 1, 2017.

(C) Section 4125.07 of the Revised Code, as amended by this act,

applies to every professional employer organization lease termination that occurs on or after January 1, 2017."

Attest:

Vincent L. Keeran,
Clerk.

The Senate amendments were laid over under the Rule.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on May 10, 2016, signed the following:

Sub. H. B. No. 151-Representative Anielski - et al.

H. B. No. 243-Representative Schaffer - et al.

Sub. S. B. No. 75-Senators Jones, Peterson - et al.

S. B. No. 310-Senator Oelslager - et al.

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

Attest:

BRADLEY J. YOUNG,
Clerk.