

OHIO

House

of

Representatives

JOURNAL

THURSDAY, MARCH 30, 2017

THIRTY-SECOND DAY

Hall of the House of Representatives, Columbus, Ohio

Thursday, March 30, 2017, 9:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor John Wallace of the First Moravian Church of Dover in Dover, 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:

Angela Garritano received H.R. 28, presented by Representative DeVitis-36th district.

Catherine Harper Lee and April Wheeler received H.R. 73, presented by Representative Butler-41st district.

Youth from the MyCom Program, guests of Representative Howse-11th district.

Kayla Lenahan, a guest of Representative Manning-55th district.

Tom, Darlene, Avery, and Connor St. George, guests of Representative O'Brien-64th district.

Students from ECOT, guests of Representative Brenner-67th district.

Students from Ohio University, guests of Representative Clyde-75th district.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 171 - Representative Patmon.

To amend section 4113.99 and to enact section 4113.11 of the Revised Code to limit the hours worked in a work shift and to require work breaks for emergency medical service providers.

H. B. No. 172 - Representative Schuring.

To amend section 3701.74 of the Revised Code to modify the laws governing access to a patient's medical records.

Said bills were considered the first time.

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

Representative Ashford submitted the following report:

The standing committee on Public Utilities to which was referred **H. B. No. 114**-Representative Blessing, et. al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: REVISE ENERGY EFFICIENCY PROVISIONS

BILL SEITZ
THOMAS E. BRINKMAN, JR.
ROBERT R. CUPP
JONATHAN DEVER
TIMOTHY E. GINTER
THOMAS F. PATTON
MARK J. ROMANCHUK

RICK CARFAGNA
MARGARET CONDITT
ANTHONY DEVITIS
KEITH FABER
BRIAN HILL
KRISTINA ROEGNER

The following members voted "NO"

MICHAEL ASHFORD
KRISTIN BOGGS
ANNE GONZALES
JOHN M. ROGERS
MARTIN J. SWEENEY

JOHN A. BOCCIERI
HEARCEL F. CRAIG
ADAM C. MILLER
KENT SMITH

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

Representative Patton moved that majority party members asking leave to be absent or absent the week of Wednesday, March 29, 2017, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Antonio moved that minority party members asking leave to be absent or absent the week of Wednesday, March 29, 2017, 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. H. B. No. 114-Representative Blessing.

Cosponsors: Representative Seitz, Speaker Rosenberger, Representatives Schuring, Pelanda, McColley, Hill, Conditt, Hambley, Retherford, Brinkman,

Koehler, Johnson, Green, Stein, Thompson, Roegner, Schaffer, Slaby, Scherer, Wiggam, Huffman, Becker, Riedel, Zeltwanger, Vitale, Hood, Keller, Dean, Butler, Householder, Hughes, Brenner, Dever, DeVitis, Goodman, Kick, Landis, LaTourette, Lipps, Rezabek, Romanchuk, Ryan, Smith, R., Young, Patton, Ginter, Cupp, Carfagna, Cera, Greenspan, Perales, Arndt, Faber, Sprague.

To amend sections 4928.01, 4928.142, 4928.143, 4928.20, 4928.61, 4928.62, 4928.64, 4928.641, 4928.643, 4928.644, 4928.645, 4928.65, 4928.66, 4928.662, 4928.6610, 4928.6611, and 5727.75 and to enact sections 4928.647, 4928.664, 4928.665, 4928.666, 4928.667, 4928.6620, and 4928.6621 of the Revised Code and to amend Section 257.80 of Am. Sub. H.B. 64 of the 132nd General Assembly and to repeal Sections 5, 6, 7, 8, 9, 10, and 11 of Sub. S.B. 310 of the 130th General Assembly to revise the provisions governing renewable energy, energy efficiency, and peak demand reduction and to alter funding allocations under the Home Energy Assistance Program, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Smith, K. moved to amend, amendment 0182, as follows:

In line 5 of the title, after "sections" insert "4906.21, 4906.211, 4906.212, 4906.213, 4906.214, 4906.215,"

In line 13 of the title, after "reduction" insert ", to permit alternative wind farm setbacks, to make changes regarding tangible personal property tax exemptions for qualified energy projects,"

In line 18, after "sections" insert "4906.21, 4906.211, 4906.212, 4906.213, 4906.214, 4906.215,"

After line 20, insert:

"Sec. 4906.21. As used in sections 4906.211 to 4906.215 of the Revised Code, "wind farm" means an electric generating plant that consists of wind turbines and associated facilities with a single interconnection to the electrical grid that is designed for, or capable of, operation at an aggregate capacity of five megawatts or more.

Sec. 4906.211. (A) Notwithstanding sections 4906.20 and 4906.201 of the Revised Code, the board of county commissioners of a county may adopt, for either one specific wind farm proposed to be located within the county or for any future wind farms proposed to be located within the county, a resolution establishing a minimum setback requirement described under division (B) of this section for the wind turbines of the wind farm or farms.

(B) The minimum setback shall be both of the following:

(1) Equal to a horizontal distance, from the turbine's base to the property line of the wind farm property, equal to one and one-tenth times the

total height of the turbine structure as measured from its base to the tip of its highest blade;

(2) At least one thousand one hundred twenty-five feet in horizontal distance from the tip of the turbine's nearest blade at ninety degrees to the exterior of the nearest, habitable, residential structure, if any, located on adjacent property at the time that the certification application is filed under section 4906.06 or 4906.20 of the Revised Code.

Sec. 4906.212. Before adopting a resolution under section 4906.211 of the Revised Code, the board of county commissioners may consult with the power siting board. Any costs related to the consultation shall be paid by the person seeking to construct the wind farm for which the consultation is being made.

Sec. 4906.213. (A) Subject to division (B) of this section, a board of county commissioners that adopts a resolution under section 4906.211 of the Revised Code may adopt a resolution revoking the prior resolution at any time.

(B) Before a resolution has been revoked, a person seeking to construct a wind farm to which the resolution applies may file notice of the intent to construct the wind farm with the board of county commissioners. If the board revokes the resolution after the notice is filed but before the wind farm has been constructed, the resolution that was revoked shall remain applicable to the wind farm for which the notice was filed, and the revocation, if the revoked resolution had applied generally to all future wind farms within the county, shall apply only prospectively from the time of the revocation.

Sec. 4906.214. The power siting board may increase the setback for any specific wind turbine of a wind farm that is subject to the setback requirements adopted pursuant to a resolution adopted under section 4906.211 of the Revised Code, in order to preserve the health, safety, and welfare of neighboring property owners.

Sec. 4906.215. Nothing in sections 4906.21 to 4906.214 of the Revised Code contravenes the power siting board's ultimate authority to issue certificates under this chapter for the construction of wind farms."

In line 2188, strike through "2021" and insert "2026"

In line 2218, strike through "2017" and insert "2022"

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 63, nays 33, as follows:

Those who voted in the affirmative were: Representatives

Anielski	Antani	Arndt	Becker
Blessing	Brenner	Butler	Carfagna
Conditt	Cupp	DeVitis	Dean
Dever	Duffey	Edwards	Faber
Gavarone	Ginter	Gonzales	Goodman
Green	Greenspan	Hagan	Hambley
Henne	Hill	Hood	Householder
Huffman	Hughes	Keller	Kick
Koehler	LaTourette	Landis	Lanese
Lipps	Manning	McColley	Merrin
Patton	Pelanda	Perales	Reineke
Retherford	Rezabek	Riedel	Roegner
Romanchuk	Ryan	Schaffer	Scherer
Schuring	Seitz	Slaby	Smith, R.
Sprague	Stein	Thompson	Vitale
Wiggam	Young		Rosenberger-63

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Bishoff
Boccieri	Boggs	Boyd	Brinkman
Celebrezze	Cera	Clyde	Craig
Fedor	Holmes	Howse	Ingram
Kelly	Kent	Leland	Lepore-Hagan
Miller	O'Brien	Patmon	Patterson
Ramos	Reece	Rogers	Sheehy
Smith, K.	Strahorn	Sweeney	Sykes
			West-33

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 65, nays 31, as follows:

Those who voted in the affirmative were: Representatives

Anielski	Antani	Arndt	Becker
Blessing	Brenner	Brinkman	Butler
Carfagna	Celebrezze	Cera	Conditt
Cupp	DeVitis	Dean	Dever
Edwards	Faber	Gavarone	Ginter
Goodman	Green	Greenspan	Hagan
Hambley	Henne	Hill	Holmes
Hood	Householder	Huffman	Hughes
Keller	Kick	Koehler	LaTourette
Landis	Lipps	Manning	McColley
Merrin	Patton	Pelanda	Perales
Reineke	Retherford	Rezabek	Riedel
Roegner	Romanchuk	Ryan	Schaffer
Scherer	Schuring	Seitz	Slaby
Smith, R.	Sprague	Stein	Thompson
Vitale	West	Wiggam	Young
			Rosenberger-65

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Bishoff
Bocchieri	Boggs	Boyd	Clyde
Craig	Duffey	Fedor	Gonzales
Howse	Ingram	Kelly	Kent
Lanese	Leland	Lepore-Hagan	Miller
O'Brien	Patmon	Patterson	Ramos
Reece	Rogers	Sheehy	Smith, K.
Strahorn	Sweeney		Sykes-31

The bill passed.

Representative Blessing moved to amend the title as follows:

Add the names: "Gavarone, Henne, Reineke."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 73-Representatives Rezabek, Koehler.

Cosponsors: Representatives Bishoff, Ginter, Johnson, LaTourette.

To enact section 2925.62 of the Revised Code to prohibit sales of dextromethorphan without a prescription to persons under age 18, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 92, nays 4, as follows:

Those who voted in the affirmative were: Representatives

Anielski	Antani	Antonio	Arndt
Ashford	Barnes	Becker	Bishoff
Blessing	Bocchieri	Boggs	Boyd
Brenner	Brinkman	Butler	Carfagna
Celebrezze	Cera	Clyde	Conditt
Craig	Cupp	DeVitis	Duffey
Edwards	Faber	Fedor	Gavarone
Ginter	Gonzales	Goodman	Green
Greenspan	Hagan	Hambley	Henne
Hill	Holmes	Hood	Householder
Howse	Huffman	Hughes	Ingram
Keller	Kelly	Kent	Kick
Koehler	LaTourette	Landis	Lanese
Leland	Lepore-Hagan	Lipps	Manning
McColley	Miller	O'Brien	Patmon
Patterson	Patton	Pelanda	Perales
Ramos	Reece	Reineke	Retherford
Rezabek	Riedel	Roegner	Rogers
Romanchuk	Ryan	Schaffer	Scherer
Schuring	Seitz	Sheehy	Slaby
Smith, K.	Smith, R.	Sprague	Stein
Strahorn	Sweeney	Sykes	Thompson
West	Wiggam	Young	Rosenberger-92

Representatives Dean, Dever, Merrin, and Vitale voted in the negative-4.
The bill passed.

Representative Rezabek moved to amend the title as follows:

Add the names: "Anielski, Antonio, Arndt, Ashford, Barnes, Conditt, Craig, Duffey, Fedor, Green, Greenspan, Kent, Landis, Leland, Manning, Miller, O'Brien, Patterson, Patton, Pelanda, Perales, Reineke, Rogers, Scherer, Schuring, Smith, R., Sweeney, West, Young."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 111-Representatives Carfagna, Ryan.

Cosponsors: Representatives Brenner, Butler, Cupp, Dever, Duffey, Goodman, Hambley, LaTourette, Riedel, Schaffer, Seitz, Stein, Wiggam, Young, Holmes, O'Brien, Bishoff.

To amend sections 5122.01 and 5122.10 of the Revised Code to authorize certain advanced practice registered nurses to have a person involuntarily transported to a hospital for a mental health examination, 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 0, as follows:

Those who voted in the affirmative were: Representatives

Anielski	Antani	Antonio	Arndt
Ashford	Barnes	Becker	Bishoff
Blessing	Bocchieri	Boggs	Boyd
Brenner	Brinkman	Butler	Carfagna
Celebrezze	Cera	Clyde	Conditt
Craig	Cupp	DeVitis	Dean
Dever	Duffey	Edwards	Faber
Fedor	Gavarone	Ginter	Gonzales
Goodman	Green	Greenspan	Hagan
Hambley	Henne	Hill	Holmes
Hood	Householder	Howse	Huffman
Hughes	Ingram	Keller	Kelly
Kent	Kick	Koehler	LaTourette
Landis	Lanese	Leland	Lepore-Hagan
Lipps	Manning	McColley	Merrin
Miller	O'Brien	Patmon	Patterson
Patton	Pelanda	Perales	Ramos
Reece	Reineke	Retherford	Rezabek
Riedel	Roegner	Rogers	Romanchuk
Ryan	Schaffer	Scherer	Schuring
Seitz	Sheehy	Slaby	Smith, K.
Smith, R.	Sprague	Stein	Strahorn
Sweeney	Sykes	Thompson	Vitale
West	Wiggam	Young	Rosenberger-96

The bill passed.

Representative Carfagna moved to amend the title as follows:

Add the names: "Anielski, Antonio, Arndt, Blessing, Bocchieri, Boyd, Celebrezze, Clyde, Craig, Edwards, Fedor, Gavarone, Ginter, Green, Greenspan, Householder, Howse, Huffman, Ingram, Keller, Kent, Kick, Landis, Leland, Lepore-Hagan, Manning, Miller, Patton, Pelanda, Perales, Ramos, Reece, Reineke, Rogers, Scherer, Strahorn, Sweeney, West."

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 agreed to the report of the committee of Conference on matters of difference between the two houses on:

Sub. H. B. No. 26 - Representative McColley

Attest:

Vincent L. Keeran,
Clerk.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has passed the following bill in which the concurrence of the House is requested:

Am. Sub. S. B. No. 1 - Senator LaRose

Cosponsors: Senators Gardner, Hoagland, Bacon, Hottinger, Beagle, Oelslager, Yuko, Hite, Eklund, Manning, Burke, Terhar, Hackett, O'Brien, Balderson, Huffman, Kunze, Lehner, Obhof, Peterson, Uecker, Wilson

To amend sections 2925.01, 2925.02, 2925.03, 2925.04, 2925.05, 2925.11, 2925.13, 2925.36, 2929.01, 2929.13, 2929.14, 2941.1410, 3719.41, 3719.99, and 4729.99 of the Revised Code to increase penalties for drug trafficking violations, drug possession violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl-related compound, except for drug possession violations when the fentanyl-related compound is combined with marijuana or a Schedule III, IV, or V controlled substance and the total amount of the combination drug is less than 40 unit doses or 4 grams and the offender did not know of the fentanyl content; to

revise the manner of determining sentence for certain violations of the offense of permitting drug abuse; and to add lisdexamfetamine to the list of schedule II controlled substances.

Attest:

Vincent L. Keeran,
Clerk.

Said bill was considered the first time.

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. 9 - Representative Koehler

Cosponsors: Representatives O'Brien, Ashford, Riedel, Green, Sheehy, Johnson, Antani, Arndt, Faber, Gavarone, Ginter, Hambley, Holmes, Miller, Patterson, Patton, Rogers, Sweeney, Thompson, West Senators Beagle, Oelslager, Tavares, Uecker, Wilson

To amend section 4511.132 of the Revised Code to specify that the alternative protocol for proceeding into an intersection with malfunctioning traffic lights due to a failure of a vehicle detector applies only to bicycles, and to declare an emergency.

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

In line 5 of the title, after "bicycles" insert ", and to declare an emergency"

After line 40, insert:

"Section 3. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that the General Assembly does not intend to grant persons operating vehicles other than bicycles the authority to determine that a traffic signal is malfunctioning and thus the opportunity to proceed through a red traffic signal on that basis. As that authority was granted effective March 21, 2017, it is imperative that this act become effective immediately in order to redress this issue. Therefore, this act shall go into immediate effect."

Attest:

Vincent L. Keeran,
Clerk.

Representative Schuring moved that the Senate amendments to **Am. H. B. No. 9**-Representative Koehler, et. al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Am. H. B. No. 9**-Representative Koehler, et. al., were taken up for consideration.

Am. H. B. No. 9-Representative Koehler.

Cosponsors: Representatives O'Brien, Ashford, Riedel, Green, Sheehy, Johnson, Antani, Arndt, Faber, Gavarone, Ginter, Hambley, Holmes, Miller, Patterson, Patton, Rogers, Sweeney, Thompson, West Senators Beagle, Oelslager, Tavares, Uecker, Wilson.

To amend section 4511.132 of the Revised Code to specify that the alternative protocol for proceeding into an intersection with malfunctioning traffic lights due to a failure of a vehicle detector applies only to bicycles, 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 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Anielski	Antani	Antonio	Arndt
Ashford	Barnes	Becker	Bishoff
Blessing	Bocchieri	Boggs	Boyd
Brenner	Brinkman	Butler	Carfagna
Celebrezze	Cera	Clyde	Conditt
Craig	Cupp	DeVitis	Dean
Dever	Duffey	Edwards	Faber
Fedor	Gavarone	Ginter	Gonzales
Goodman	Green	Greenspan	Hagan
Hambley	Henne	Hill	Holmes
Hood	Householder	Howse	Huffman
Hughes	Ingram	Keller	Kelly
Kent	Kick	Koehler	LaTourette
Landis	Lanese	Leland	Lepore-Hagan
Lipps	Manning	McColley	Merrin
Miller	O'Brien	Patmon	Patterson
Patton	Pelanda	Perales	Ramos
Reece	Reineke	Retherford	Rezabek
Riedel	Roegner	Rogers	Romanchuk
Ryan	Schaffer	Scherer	Schuring
Seitz	Sheehy	Smith, K.	Smith, R.
Sprague	Stein	Strahorn	Sweeney
Sykes	Thompson	Vitale	West
Wiggam	Young		Rosenberger-95

Having received the required 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 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Anielski	Antani	Antonio	Arndt
Ashford	Barnes	Becker	Bishoff
Blessing	Bocchieri	Boggs	Boyd
Brenner	Brinkman	Butler	Carfagna
Celebrezze	Cera	Clyde	Conditt
Craig	Cupp	DeVitis	Dean
Dever	Duffey	Edwards	Faber
Fedor	Gavarone	Ginter	Gonzales
Goodman	Green	Greenspan	Hagan
Hambley	Henne	Hill	Holmes
Hood	Householder	Howse	Huffman
Hughes	Ingram	Keller	Kelly
Kent	Kick	Koehler	LaTourette
Landis	Lanese	Leland	Lepore-Hagan
Lipps	Manning	McColley	Merrin
Miller	O'Brien	Patmon	Patterson
Patton	Pelanda	Perales	Ramos
Reece	Reineke	Retherford	Rezabek
Riedel	Roegner	Rogers	Romanchuk
Ryan	Schaffer	Scherer	Schuring
Seitz	Sheehy	Smith, K.	Smith, R.
Sprague	Stein	Strahorn	Sweeney
Sykes	Thompson	Vitale	West
Wiggam	Young		Rosenberger-95

The Senate amendments were concurred in.

CLERK'S NOTATION

3/30/2017

Clerk Young,

I, Thomas West, inadvertently hit yes on accident on the vote for Sub. HB 114. I meant to hit the no button on the voting system.

Sincerely,

/s/ THOMAS WEST

Representative Thomas West
49th House District

CLERK'S NOTATION

March 30th, 2017

1:47 P.M.

To Whom It May Concern:

I, State Representative Glenn W. Holmes, inadvertently voted "yes" on House Bill 114. My intention was to vote "no."

Sincerely,

/s/ GLENN W. HOLMES

Glenn W. Holmes
State Representative
63rd House District

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on March 30, 2017, signed the following:

Am. S. B. No. 23-Senator Terhar - et al.

Sub. H. B. No. 26-Representative McColley - et al.

On motion of Representative Schuring, the House adjourned until Wednesday, April 5, 2017 at 9:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,
Clerk.