

OHIO

House

of

Representatives

JOURNAL

THURSDAY, MARCH 7, 2019

TWENTY-FOURTH DAY
Hall of the House of Representatives, Columbus, Ohio
Thursday, March 7, 2019, 9:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Representative Smith, T.-43rd district, followed by the Pledge of Allegiance to the Flag.

The following guest of the House of Representatives was recognized prior to the commencement of business:

Mark Harper, a guest of Representative Crawley-26th district.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 124 - Representative Brinkman.

Cosponsors: Representatives Riedel, Kent, LaTourette, Hood, Seitz.

To amend sections 303.21 and 519.21 and to enact section 901.60 of the Revised Code to allow an owner of residential property to keep small livestock on the property and to prohibit zoning authorities from regulating certain noncommercial agricultural activities on residential property.

H. B. No. 125 - Representative Koehler.

Cosponsors: Representatives Seitz, Riedel.

To amend section 2108.34, to enact section 4501.027, and to repeal sections 4506.081, 4507.231, and 4507.501 of the Revised Code to require the Registrar of Motor Vehicles and Deputy Registrars to ask each person renewing a motor vehicle registration to contribute to the Second Chance Trust Fund.

H. B. No. 126 - Representative Hillyer.

Cosponsors: Representatives Becker, Merrin, Seitz.

To enact section 2305.141 of the Revised Code to bar an action challenging an act for violation of the one-subject rule if it is commenced later than 275 days after the act's effective date.

H. B. No. 127 - Representatives Smith, K., Hambley.

Cosponsors: Representatives Kelly, Miranda, Jones, Holmes, G., Boyd, Lepore-Hagan, Weinstein, Lightbody, West, Ingram, Kent, O'Brien, Liston, Sobecki, Russo, Miller, J.

To enact section 3302.103 of the Revised Code to prohibit the creation of new academic distress commissions.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Kelly submitted the following report:

The standing committee on State and Local Government to which was referred **H. B. No. 32**-Representative Stein, having had the same under consideration, reports it back and recommends its passage.

RE: SUGGEST CEREMONIAL PROCEDURE FOR RETIRING STATE FLAG

Representative Wiggam moved to amend the title as follows:

Add the names: "Wiggam, Becker, Hambley, Russo, Skindell, Sobecki, Wilkin."

SCOTT WIGGAM
BRIGID KELLY
JOHN BECKER
STEPHEN D. HAMBLEY
C. ALLISON RUSSO
RYAN SMITH
LISA A. SOBECKI
SHANE WILKIN

TIMOTHY E. GINTER
STEVEN M. ARNDT
DAVE GREENSPAN
BERNADINE KENNEDY KENT
MICHAEL J. SKINDELL
J. TODD SMITH
FRED STRAHORN

The report was agreed to.

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

Representative Cera submitted the following report:

The standing committee on Finance to which was referred **H. B. No. 62**-Representative Oelslager, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CREATES FY 2020-2021 TRANSPORTATION BUDGET

SCOTT OELSLAGER
JACK CERA
LOUIS W. BLESSING III
JAMIE CALLENDER
SARA P. CARRUTHERS
JON CROSS
JAY EDWARDS
STEPHEN D. HAMBLEY
JAMES M. HOOPS
P. SCOTT LIPPS

GARY SCHERER
BRIAN BALDRIDGE
JIM BUTLER
RICK CARFAGNA
ERICA C. CRAWLEY
ROBERT R. CUPP
DAVE GREENSPAN
PAULA HICKS-HUDSON
STEPHANIE D. HOWSE
MICHAEL J. O'BRIEN

JOHN PATTERSON
PHIL PLUMMER
BILL ROEMER
MICHAEL J. SKINDELL
THOMAS WEST

RICK PERALES
TRACY M. RICHARDSON
JOHN M. ROGERS
BRIDE ROSE SWEENEY
SHANE WILKIN

The following members voted "NO"

BRIGID KELLY
MARK J. ROMANCHUK

ADAM C. MILLER

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

Representative Edwards moved that majority party members asking leave to be absent or absent the week of Tuesday, March 5, 2019, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Smith, K. moved that minority party members asking leave to be absent or absent the week of Tuesday, March 5, 2019, 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. 62-Representative Oelslager.

To amend sections 119.14, 122.14, 164.04, 164.08, 306.32, 306.321, 306.35, 306.54, 306.70, 505.267, 505.71, 1349.61, 1509.02, 1509.11, 1901.18, 1901.20, 1907.02, 1907.031, 3327.012, 4111.03, 4111.14, 4121.01, 4123.01, 4141.01, 4301.62, 4501.01, 4501.031, 4501.042, 4501.043, 4503.038, 4503.10, 4503.103, 4503.19, 4503.21, 4503.23, 4504.10, 4504.201, 4505.101, 4506.17, 4509.01, 4511.01, 4511.092, 4511.093, 4511.096, 4511.097, 4511.098, 4511.0910, 4511.204, 4511.205, 4511.21, 4511.54, 4511.68, 4511.84, 4511.991, 4513.34, 4513.60, 4513.601, 4513.61, 4513.62, 4513.63, 4513.64, 4513.65, 4513.66, 4513.69, 4549.10, 4582.12, 4582.31, 5501.21, 5501.41, 5577.044, 5577.15, 5735.01, 5735.011, 5735.05, 5735.051, 5735.053, 5735.142, 5735.27, 5736.01, 5739.02, 5739.023, 5747.51, 5747.53, and 5749.02; to enact new sections 4511.099 and 5747.502 and sections 3.112, 306.051, 321.50, 321.51, 505.96, 3944.01, 3944.02, 3944.03, 3944.04, 3944.05, 3944.06, 3944.07, 3944.08, 3944.09, 3944.10, 4503.193, 4504.173, 4504.181, 4511.514, 4516.01, 4516.02, 4516.03, 4516.04, 4516.05, 4516.06, 4516.07, 4765.302, 5501.09, and 5517.07; and to repeal sections 4511.099,

4511.0915, and 5747.502 of the Revised Code and to amend Section 213.20 of H.B. 529 of the 132nd General Assembly, as subsequently amended, to increase the rate of and modify the distribution of revenue from motor fuel excise taxes, to make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2019, and ending June 30, 2021, and to provide authorization and conditions for the operation of those programs, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Koehler moved to amend, amendment 0362, as follows:

In line 11721, delete "\$100,000,000" and insert "\$40,000,000"

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

Representative Seitz 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 72, nays 26, as follows:

Those who voted in the affirmative were: Representatives

Antani	Arndt	Baldrige	Blessing
Boggs	Boyd	Brent	Brown
Butler	Callender	Carfagna	Carruthers
Cera	Clites	Crawley	Cross
Crossman	Cupp	Denson	DeVitis
Edwards	Galonski	Greenspan	Hambley
Hicks-Hudson	Hillyer	Holmes, A.	Holmes, G.
Hoops	Howse	Ingram	Jones
Kelly	Kent	Lanese	LaTourette
Leland	Lepore-Hagan	Lightbody	Lipps
Liston	Manning, D.	Manning, G.	Miller, A.
Miller, J.	Miranda	O'Brien	Oelslager
Patterson	Patton	Perales	Plummer
Richardson	Robinson	Rogers	Russo
Scherer	Seitz	Sheehy	Skindell
Smith, K.	Sobecki	Stein	Stoltzfus
Strahorn	Sweeney	Sykes	Upchurch
Weinstein	West	Zeltwanger	Householder-72

Those who voted in the negative were: Representatives

Becker	Brinkman	Dean	Ginter
Green	Hood	Jordan	Keller
Kick	Koehler	Lang	Manchester
McClain	Merrin	Powell	Reineke
Riedel	Roemer	Romanchuk	Ryan
Schaffer	Smith, R.	Smith, T.	Vitale
Wiggam			Wilkin-26

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Riedel moved to amend, amendment 0360, as follows:

In line 5 of the title, after "4111.14," insert "4115.03,"

In line 38, after "4111.14," insert "4115.03,"

After line 2472, insert:

"Sec. 4115.03. As used in sections 4115.03 to 4115.16 of the Revised Code:

(A) "Public authority" means any officer, board, or commission of the state, or any political subdivision of the state, authorized to enter into a contract for the construction of a public improvement or to construct the same by the direct employment of labor, or any institution supported in whole or in part by public funds and said sections apply to expenditures of such institutions made in whole or in part from public funds.

(B) "Construction" means any of the following:

(1) Except as provided in division (B)(3) of this section, any new construction of a public improvement, the total overall project cost of which is fairly estimated to be more than ~~the following amounts~~ five hundred thousand dollars and performed by other than full-time employees who have completed their probationary periods in the classified service of a public authority:

~~(a) One hundred twenty-five thousand dollars, beginning on—
September 29, 2011, and continuing for one year thereafter;—~~

~~(b) Two hundred thousand dollars, beginning when the time period described in division (B)(1)(a) of this section expires and continuing for one year thereafter;—~~

~~(c) Two hundred fifty thousand dollars, beginning when the time period described in division (B)(1)(b) of this section expires.~~

(2) Except as provided in division (B)(4) of this section, any reconstruction, enlargement, alteration, repair, remodeling, renovation, or painting of a public improvement, the total overall project cost of which is fairly estimated to be more than ~~the following amounts~~ one hundred fifty thousand dollars and performed by other than full-time employees who have completed their probationary period in the classified civil service of a public authority:

~~(a) Thirty-eight thousand dollars, beginning on September 29, 2011, and continuing for one year thereafter;—~~

~~(b) Sixty thousand dollars, beginning when the time period described in division (B)(2)(a) of this section expires and continuing for one year thereafter;—~~

~~(c) Seventy-five thousand dollars, beginning when the time period~~

~~described in division (B)(2)(b) of this section expires.~~

(3) Any new construction of a public improvement that involves roads, streets, alleys, sewers, ditches, and other works connected to road or bridge construction, the total overall project cost of which is fairly estimated to be more than ~~seventy-eight thousand two hundred fifty-eight~~ one hundred fifty six thousand five hundred sixteen dollars adjusted biennially by the director of commerce pursuant to section 4115.034 of the Revised Code and performed by other than full-time employees who have completed their probationary periods in the classified service of a public authority;

(4) Any reconstruction, enlargement, alteration, repair, remodeling, renovation, or painting of a public improvement that involves roads, streets, alleys, sewers, ditches, and other works connected to road or bridge construction, the total overall project cost of which is fairly estimated to be more than twenty-three thousand four hundred forty-seven dollars adjusted biennially by the director of commerce pursuant to section 4115.034 of the Revised Code and performed by other than full-time employees who have completed their probationary periods in the classified service of a public authority.

(C) "Public improvement" includes all buildings, roads, streets, alleys, sewers, ditches, sewage disposal plants, water works, and all other structures or works constructed by a public authority of the state or any political subdivision thereof or by any person who, pursuant to a contract with a public authority, constructs any structure for a public authority of the state or a political subdivision thereof. When a public authority rents or leases a newly constructed structure within six months after completion of such construction, all work performed on such structure to suit it for occupancy by a public authority is a "public improvement." "Public improvement" does not include an improvement authorized by section 940.06 of the Revised Code that is constructed pursuant to a contract with a soil and water conservation district, as defined in section 940.01 of the Revised Code, or performed as a result of a petition filed pursuant to Chapter 6131., 6133., or 6135. of the Revised Code, wherein no less than seventy-five per cent of the project is located on private land and no less than seventy-five per cent of the cost of the improvement is paid for by private property owners pursuant to Chapter 940., 6131., 6133., or 6135. of the Revised Code.

(D) "Locality" means the county wherein the physical work upon any public improvement is being performed.

(E) "Prevailing wages" means the sum of the following:

(1) The basic hourly rate of pay;

(2) The rate of contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan, or program;

(3) The rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing the following fringe benefits to laborers and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program which was communicated in writing to the laborers and mechanics affected:

- (a) Medical or hospital care or insurance to provide such;
- (b) Pensions on retirement or death or insurance to provide such;
- (c) Compensation for injuries or illnesses resulting from occupational activities if it is in addition to that coverage required by Chapters 4121. and 4123. of the Revised Code;
- (d) Supplemental unemployment benefits that are in addition to those required by Chapter 4141. of the Revised Code;
- (e) Life insurance;
- (f) Disability and sickness insurance;
- (g) Accident insurance;
- (h) Vacation and holiday pay;
- (i) Defraying of costs for apprenticeship or other similar training programs which are beneficial only to the laborers and mechanics affected;
- (j) Other bona fide fringe benefits.

None of the benefits enumerated in division (E)(3) of this section may be considered in the determination of prevailing wages if federal, state, or local law requires contractors or subcontractors to provide any of such benefits.

(F) "Interested party," with respect to a particular contract for construction of a public improvement, means:

- (1) Any person who submits a bid for the purpose of securing the award of the contract;
- (2) Any person acting as a subcontractor of a person described in division (F)(1) of this section;
- (3) Any bona fide organization of labor which has as members or is authorized to represent employees of a person described in division (F)(1) or (2) of this section and which exists, in whole or in part, for the purpose of negotiating with employers concerning the wages, hours, or terms and conditions of employment of employees;
- (4) Any association having as members any of the persons described in division (F)(1) or (2) of this section.

(G) Except as used in division (A) of this section, "officer" means an individual who has an ownership interest or holds an office of trust, command, or authority in a corporation, business trust, partnership, or

association."

In line 11537, after "4111.14," insert "4115.03,"

After line 12335, insert:

"Section 741.____.The amendments made by this act to section 4115.03 of the Revised Code apply to contracts entered into, renewed, or extended on or after the effective date of this section."

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

Representative Seitz 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 71, nays 27, as follows:

Those who voted in the affirmative were: Representatives

Antani	Arndt	Baldrige	Blessing
Boggs	Boyd	Brent	Brown
Butler	Callender	Carfagna	Carruthers
Cera	Clites	Crawley	Cross
Crossman	Cupp	Denson	DeVitis
Edwards	Galonski	Greenspan	Hambley
Hicks-Hudson	Hillyer	Holmes, A.	Holmes, G.
Howse	Ingram	Jones	Kelly
Kent	Lanese	LaTourette	Leland
Lepore-Hagan	Lightbody	Lipps	Liston
Manning, D.	Manning, G.	Miller, A.	Miller, J.
Miranda	O'Brien	Oelslager	Patterson
Patton	Perales	Plummer	Robinson
Roemer	Rogers	Russo	Scherer
Seitz	Sheehy	Skindell	Smith, K.
Smith, T.	Sobecki	Stein	Stoltzfus
Strahorn	Sweeney	Sykes	Upchurch
Weinstein	West		Householder-71

Those who voted in the negative were: Representatives

Becker	Brinkman	Dean	Ginter
Green	Hood	Hoops	Jordan
Keller	Kick	Koehler	Lang
Manchester	McClain	Merrin	Powell
Reineke	Richardson	Riedel	Romanchuk
Ryan	Schaffer	Smith, R.	Vitale
Wiggam	Wilkin		Zeltwanger-27

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Oelslager moved to amend, amendment 0366, as follows:

In line 9490, delete "Thirty-three" and insert "Thirty-five"

In line 9492, delete all after "(b)"

Delete line 9493

In line 9494, delete "(c)"

In line 9495, delete "2021" and insert "2020"

In line 11567, delete "\$644,734,023 \$810,604,799" and insert "\$674,734,023 \$850,604,799"

In line 11580, delete "\$3,015,987,698 \$3,183,952,391" and insert "\$3,045,987,698 \$3,223,952,391"

In line 11591, delete "\$3,125,136,054 \$3,308,549,456" and insert "\$3,155,136,054 \$3,348,549,456"

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

The yeas and nays were taken and resulted – yeas 64, nays 34, as follows:

Those who voted in the affirmative were: Representatives

Arndt	Baldrige	Blessing	Boggs
Boyd	Brent	Butler	Callender
Carfagna	Carruthers	Cera	Clites
Crawley	Cross	Crossman	Denson
DeVitis	Edwards	Galonski	Greenspan
Hicks-Hudson	Hillyer	Holmes, A.	Holmes, G.
Hoops	Howse	Ingram	Jones
Jordan	Kent	Koehler	Lanese
LaTourette	Leland	Lepore-Hagan	Lightbody
Lipps	Liston	Manning, G.	Miller, J.
Miranda	O'Brien	Oelslager	Patterson
Patton	Perales	Plummer	Reineke
Richardson	Russo	Scherer	Seitz
Sheehy	Skindell	Smith, K.	Sobecki
Stein	Sweeney	Sykes	Upchurch
Weinstein	West	Wilkin	Householder-64

Those who voted in the negative were: Representatives

Antani	Becker	Brinkman	Brown
Cupp	Dean	Ginter	Green
Hambley	Hood	Keller	Kelly
Kick	Lang	Manchester	Manning, D.
McClain	Merrin	Miller, A.	Powell
Riedel	Robinson	Roemer	Rogers
Romanchuk	Ryan	Schaffer	Smith, R.
Smith, T.	Stoltzfus	Strahorn	Vitale
Wiggam			Zeltwanger-34

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted – yeas 71, nays 27, as follows:

Those who voted in the affirmative were: Representatives

Arndt	Baldrige	Blessing	Boggs
Boyd	Brent	Brinkman	Brown
Butler	Callender	Carfagna	Carruthers
Cera	Clites	Crawley	Cross

Crossman	Cupp	Denson	DeVitis
Edwards	Galonski	Ginter	Green
Greenspan	Hambley	Hicks-Hudson	Hillyer
Holmes, A.	Holmes, G.	Hoops	Howse
Ingram	Jones	Kent	Lanese
Lang	LaTourette	Leland	Lepore-Hagan
Lipps	Manchester	Manning, D.	Manning, G.
Miller, J.	O'Brien	Oelslager	Patterson
Patton	Perales	Plummer	Richardson
Roemer	Rogers	Russo	Scherer
Seitz	Sheehy	Skindell	Smith, K.
Sobecki	Stein	Stoltzfus	Sweeney
Sykes	Upchurch	Weinstein	West
Wilkin	Zeltwanger		Householder-71

Those who voted in the negative were: Representatives

Antani	Becker	Dean	Hood
Jordan	Keller	Kelly	Kick
Koehler	Lightbody	Liston	McClain
Merrin	Miller, A.	Miranda	Powell
Reineke	Riedel	Robinson	Romanchuk
Ryan	Schaffer	Smith, R.	Smith, T.
Strahorn	Vitale		Wiggam-27

The bill passed.

Representative Oelslager moved to amend the title as follows:

Add the names: "Blessing, Carruthers, Cera, DeVitis, Hambley, Howse, Manning, D., O'Brien, Patterson, Perales, Seitz, Smith, K., Sobecki."

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:

Am. H. B. No. 86 - Representative Plummer

Cosponsors: Representatives Becker, Koehler, Antani, Baldrige, Blessing, Butler, Callender, Carfagna, Carruthers, Cera, Cross, Cupp, Dean, Ginter, Green, Hambley, Holmes, A., Hood, Hoops, Jones, Jordan, Keller, Kick, Lang, Lipps, Manning, D., Manning, G., Merrin, Oelslager, Patton, Perales, Powell, Richardson, Riedel, Roemer, Rogers, Romanchuk, Ryan, Schaffer, Seitz, Smith, R., Smith, T., Stein, Stoltzfus, Vitale, Wiggam, Wilkin
Senators Coley, Hoagland, Uecker, McColley, Gavarone, Brenner, Eklund, Hill, Hottinger, Huffman, M., Huffman, S., Obhof, Peterson, Roegner, Rulli, Schuring, Terhar, Wilson

To amend section 2923.11 of the Revised Code to correct a drafting error in

the definition of "dangerous ordnance" that resulted from Am. Sub. H.B. 228 of the 132nd General Assembly and to declare an emergency.

Attest:

Vincent L. Keeran,
Clerk.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on March 7, 2019, signed the following:

Am. H. B. No. 86-Representative Plummer - et al.

On motion of Representative Butler, the House adjourned until Tuesday, March 12, 2019 at 9:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,
Clerk.