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.

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  TIMOTHY E. GINTER
BRIGID KELLY  STEVEN M. ARNDT
JOHN BECKER  DAVE GREENSPAN
STEPHEN D. HAMBLEY  BERNADINE KENNEDY KENT
C. ALLISON RUSSO  MICHAEL J. SKINDELL
RYAN SMITH  J. TODD SMITH
LISA A. SOBECKI  FRED STRAHORN
SHANE WILKIN

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  GARY SCHERER
JACK CERA  BRIAN BALDRIDGE
LOUIS W. BLESSING III  JIM BUTLER
JAMIE CALLENDER  RICK CARFAGNA
SARA P. CARRUTHERS  ERICA C. CRAWLEY
JON CROSS  ROBERT R. CUPP
JAY EDWARDS  DAVE GREENSPAN
STEPHEN D. HAMBLEY  PAULA HICKS-HUDSON
JAMES M. HOOPS  STEPHANIE D. HOWSE
P. SCOTT LIPPS  MICHAEL J. O'BRIEN
JOHN PATTERSON  RICK PERALES  
PHIL PLUMMER  TRACY M. RICHARDSON  
BILL ROEMER  JOHN M. ROGERS  
MICHAEL J. SKINDELL  BRIDE ROSE SWEENEY  
THOMAS WEST  SHANE WILKIN  

The following members voted "NO" 
BRIGID KELLY  ADAM C. MILLER  
MARK J. ROMANCHUK  

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

<table>
<thead>
<tr>
<th>Antani</th>
<th>Arndt</th>
<th>Baldridge</th>
<th>Blessing</th>
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<tr>
<td>Boggs</td>
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<td>Butler</td>
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<td>Edwards</td>
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<td>Hambley</td>
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<td>Hicks-Hudson</td>
<td>Hillyer</td>
<td>Holmes, A.</td>
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<td>Hoops</td>
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<td>Ingram</td>
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<td>Kelly</td>
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<td>Leland</td>
<td>Lepore-Hagan</td>
<td>Lightbody</td>
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<td>Liston</td>
<td>Manning, D.</td>
<td>Manning, G.</td>
<td>Miller, A.</td>
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<td>Miller, J.</td>
<td>Miranda</td>
<td>O'Brien</td>
<td>Oelslager</td>
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<td>Patterson</td>
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<td>Richardson</td>
<td>Robinson</td>
<td>Rogers</td>
<td>Russo</td>
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<td>Scherer</td>
<td>Seitz</td>
<td>Sheehy</td>
<td>Skindell</td>
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<td>Smith, K.</td>
<td>Sobecki</td>
<td>Stein</td>
<td>Stoltzfus</td>
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<td>Strahorn</td>
<td>Sweeney</td>
<td>Sykes</td>
<td>Upchurch</td>
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<tr>
<td>Weinstein</td>
<td>West</td>
<td>Zeltwanger</td>
<td>Householder-72</td>
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</tbody>
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Those who voted in the negative were: Representatives

<table>
<thead>
<tr>
<th>Becker</th>
<th>Brinkman</th>
<th>Dean</th>
<th>Ginter</th>
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<tr>
<td>Green</td>
<td>Hood</td>
<td>Jordan</td>
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<td>Kick</td>
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<td>Lang</td>
<td>Manchester</td>
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<td>McClain</td>
<td>Merrin</td>
<td>Powell</td>
<td>Reineke</td>
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<td>Riedel</td>
<td>Roemer</td>
<td>Romanchuk</td>
<td>Ryan</td>
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<td>Schaffer</td>
<td>Smith, R.</td>
<td>Smith, T.</td>
<td>Vitale</td>
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<tr>
<td>Wiggam</td>
<td>Wilkin-26</td>
<td>Wilkin-26</td>
<td>Wilkin-26</td>
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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) Defrayment 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 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  Lanes  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  Householder-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 "$3,155,136,054 $3,348,549,456"
In line 11591, delete "$3,125,136,054 $3,308,549,456" and insert "$3,045,987,698 $3,223,952,391"

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  Baldridge  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  

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  Baldridge  Blessing  Boggs
Boyd   Brent   Brinkman  Brown
Butler  Callender  Carfagna  Carruthers
Cera   Clites  Crawley  Cross
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, Baldridge, 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, Gayarone, 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.