

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, MAY 6, 2020

ONE HUNDRED EIGHTY-SECOND DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, May 6, 2020, 1:00 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Representative Ginter-5th district, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 615 - Representatives Sobecki, Miller, J.

To enact section 4511.773 of the Revised Code to authorize the installation of protective barriers in school buses, to require the Director of Public Safety to adopt rules related to the barriers, and to declare an emergency.

H. B. No. 616 - Representatives Miranda, Denson.

Cosponsors: Representatives Abrams, Riedel, Galonski, Miller, J., Leland, Howse, Crawley, Kelly, Patton, Lightbody, Ingram, O'Brien, Sobecki.

To enact section 5534.415 of the Revised Code to designate a portion of Interstate Route 275 in Hamilton County as the "Officer Kaia L. Grant Memorial Highway."

H. B. No. 617 - Representative Jordan.

To amend section 3701.13 of the Revised Code to establish certain time frames and legislative approval procedures as conditions governing the authority of the Department of Health to issue statewide shelter-in-place or stay-at-home orders for preventing the spread of contagious or infectious diseases, to invalidate existing statewide shelter-in-place or stay-at-home orders issued by the Department, and to declare an emergency.

H. B. No. 618 - Representative Becker.

Cosponsors: Representatives Keller, Wiggam, Jordan, Brinkman, Riedel, Dean, Hood, Cross, Zeltwanger, Merrin, Lang, Vitale.

To amend sections 161.09, 3701.13, 3701.14, 3707.04, 3707.05, 3707.26, 3709.20, and 3709.21 and to enact section 107.22 of the Revised Code to limit the authority of the Governor and the Department of Health to issue orders regarding contagious or infectious diseases, to prohibit any order from affecting the conduct of an election, to designate its provisions as the "Need Ohio Working (NOW) Act," and to declare an emergency.

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 **Sub. S. B. No. 1**-Senators McColley, Roegner, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: REDUCE NUMBER OF REGULATORY RESTRICTIONS

Representative Wiggam moved to amend the title as follows:

Add the names: "Wiggam, Becker, Hambley, Smith, T."

SCOTT WIGGAM
JOHN BECKER
DAVE GREENSPAN
J. TODD SMITH
SHANE WILKIN

JASON STEPHENS
TIMOTHY E. GINTER
STEPHEN D. HAMBLEY
D. J. SWEARINGEN

The following members voted "NO"

BRIGID KELLY
MICHAEL J. SKINDELL
FRED STRAHORN

C. ALLISON RUSSO
LISA A. SOBECKI

The report was agreed to.

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

Representative Kelly submitted the following report:

The standing committee on State and Local Government to which was referred **H. B. No. 481**-Representative Fraizer, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: AUTHORIZE CONVEYANCE OF STATE-OWNED REAL PROPERTY

Representative Wiggam moved to amend the title as follows:

Add the name: "Hambley"

SCOTT WIGGAM
BRIGID KELLY
TIMOTHY E. GINTER
STEPHEN D. HAMBLEY
MICHAEL J. SKINDELL
LISA A. SOBECKI
D. J. SWEARINGEN

JASON STEPHENS
JOHN BECKER
DAVE GREENSPAN
C. ALLISON RUSSO
J. TODD SMITH
FRED STRAHORN
SHANE WILKIN

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 Wednesday, May 6, 2020, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Hicks-Hudson moved that minority party members asking leave to be absent or absent the week of Wednesday, May 6, 2020, 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. S. B. No. 1-Senators McColley, Roegner.

Cosponsors: Senators Obhof, Brenner, Coley, Hackett, Hoagland, Hottinger, Huffman, S., Huffman, M., Lehner, Rulli, Peterson, Wilson, Terhar, Gavarone, Manning, Schaffer, Schuring, Uecker Representatives Wiggam, Hambley, Smith, T.

To amend sections 101.35, 106.021, 106.03, 106.031, 121.95, and 3701.13 and to enact sections 101.354, 101.355, 101.36, 107.57, 121.031, 121.951, 121.952, and 121.953 of the Revised Code to require certain agencies to reduce the number of regulatory restrictions in their administrative rules, to require the approval of the Joint Committee on Agency Rule Review for Department of Health orders to be effective for more than fourteen days, and to modify the Department's rulemaking authority, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Butler moved that **Sub. S. B. No. 1**-Senators McColley, Roegner, et al., be informally passed and retain its place on the calendar.

The motion was agreed to without objection.

Sub. S. B. No. 55-Senator Gavarone.

Cosponsors: Senators Fedor, O'Brien, Coley, Brenner, Hackett, Hoagland, Huffman, S., McColley, Roegner, Rulli, Schaffer, Schuring, Terhar, Uecker, Wilson Representatives Butler, Cupp, Manning, D., Smith, T.

To amend sections 2925.01 and 2925.03 of the Revised Code to enhance penalties for certain drug trafficking offenses committed in the vicinity of a

substance addiction services provider and to name the act's provisions the "Relapse Reduction Act", was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Swearingen moved to amend, amendment 2202-4, as follows:

In line 1 of the title, delete "and" and insert ","; after "2925.03" insert ", 3701.99, 3707.99, and 3709.99"

In line 5 of the title, after "provider" insert ", to modify penalties for violations of public health orders related to"; delete "a" and insert "a pandemic,"; delete "name the act's" and insert "designate certain"; after "provisions" insert "as"

In line 7, delete "and" and insert ","; after "2925.03" insert ", 3701.99, 3707.99, and 3709.99"

After line 1423, insert:

Sec. 3701.99. (A) Whoever violates division (C) of section 3701.23, division (C) of section 3701.232, division (C) of section 3701.24, division (D)(2) of section 3701.262, or sections 3701.46 to 3701.55 of the Revised Code is guilty of a minor misdemeanor on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates section 3701.82 of the Revised Code is guilty of a misdemeanor of the first degree.

(C) ~~Whoever~~ Subject to division (D) of this section, whoever violates section 3701.352 or 3701.81 of the Revised Code is guilty of a misdemeanor of the second degree.

(D) Whoever violates any rule adopted or order issued by the director of health or department of health as described in section 3701.352 of the Revised Code that relates to a pandemic shall receive a warning on a first offense and on each subsequent offense shall be fined in an amount not to exceed the maximum amount specified in section 2929.28 of the Revised Code for a minor misdemeanor.

Sec. 3707.99. (A) Whoever violates section 3707.03 of the Revised Code, unless good and sufficient reason therefor is shown, is guilty of a minor misdemeanor.

(B) ~~Whoever~~ Subject to division (C) of this section, whoever violates division (B) of section 3707.06 or section 3707.48 of the Revised Code is guilty of a minor misdemeanor on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the fourth degree.

(C) In the event the board of health of a city or general health district adopts a rule or issues an order under Chapter 3707. of the Revised Code that

relates to a pandemic, whoever violates the rule or order shall receive a warning on a first offense and on each subsequent offense shall be fined in an amount not to exceed one hundred dollars.

Sec. 3709.99. (A) Whoever Except as provided in division (C) of this section, whoever violates section 3709.20, 3709.21, or 3709.22 of the Revised Code or any order or regulation of the board of health of a city or general health district adopted in pursuance of those sections, or whoever interferes with the execution of an order or regulation of that nature by a member of the board or person authorized by the board, shall be fined not more than one hundred dollars or imprisoned not more than ninety days, or both. No person shall be imprisoned for the first offense, and the prosecution shall always be for a first offense unless the affidavit upon which the prosecution is instituted contains the allegation that the offense is a subsequent offense.

(B) Except in case of an emergency endangering the public health caused by an epidemic, an infectious or a communicable disease, or a disaster emergency condition or event, no prosecution for a violation of any regulation or order adopted pursuant to section 3709.20, 3709.21, or 3709.22 of the Revised Code shall take place until twenty days after the board of health of a city or general health district has notified the person subject to the regulation or order of the specific violation alleged. Any person notified by the board of a violation of any regulation or order of that nature may file an action for declaratory judgment pursuant to Chapter 2721. of the Revised Code to have determined whether the regulation or order is unreasonable or unlawful. No prosecution of that nature shall be commenced when, within the twenty-day period described in this division, the violation has been corrected. No prosecution of that nature shall be commenced until a declaratory judgment of that nature has been given.

(C) In the event the board of health of a city or general health district adopts a rule or issues an order under section 3709.20, 3709.21, or 3709.22 of the Revised Code that relates to a pandemic, whoever violates the rule or order shall receive a warning for a first offense and for each subsequent offense shall be fined in an amount not to exceed one hundred dollars."

In line 1424, delete "and" and insert ","; after "2925.03" insert ", 3701.99, 3707.99, and 3709.99"

In line 1438, delete "This" and insert "Sections 2925.01 and 2925.03 of the Revised Code, as amended by this"; after "act" insert ","

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

The yeas and nays were taken and resulted – yeas 60, nays 35, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Antani	Baldrige	Becker
Brinkman	Butler	Callender	Carfagna

Carruthers	Cross	Cupp	Dean
DeVitis	Edwards	Fraizer	Ghanbari
Ginter	Green	Greenspan	Grendell
Hambley	Hillyer	Holmes, A.	Hood
Hoops	Jones	Jordan	Keller
Kick	Koehler	Lanese	Lang
LaRe	Lipps	Manchester	Manning, G.
McClain	Merrin	Oelslager	Patton
Perales	Plummer	Powell	Reineke
Richardson	Riedel	Roemer	Romanchuk
Scherer	Seitz	Smith, T.	Stein
Stephens	Stoltzfus	Swearingen	Vitale
Wiggam	Wilkin	Zeltwanger	Householder-60

Those who voted in the negative were: Representatives

Blair	Boggs	Brent	Brown
Cera	Clites	Crawley	Crossman
Denson	Galonski	Hicks-Hudson	Howse
Ingram	Kelly	Leland	Lepore-Hagan
Lightbody	Liston	Miller, J.	Miranda
O'Brien	Patterson	Robinson	Rogers
Russo	Sheehy	Skindell	Smith, K.
Sobecki	Strahorn	Sweeney	Sykes
Upchurch	Weinstein		West-35

The motion was agreed to and the bill so amended.

Representative Leland moved to amend, amendment 2207, as follows:

In line 452, delete "both" and insert "either"

In line 454, after the second "the" insert "property or"

In line 459, delete ", or within one thousand feet of the"

In line 460, delete "premises of a substance addiction services provider's facility"

In line 461, after "offender" insert "is"; delete "disregards whether the offense"

Delete line 462

In line 463, delete "(MM)(1) of this section" and insert "targeting any other person who was present at, or is connected with, any program offered by a substance addiction services provider, either while the program was occurring or when the other person is traveling to or from the program, as the potential recipient of a controlled substance or controlled substance analog and that person is the person to whom the offender sells, offers to sell, ships, transports, delivers, or distributes a controlled substance or controlled substance analog in violation of section 2925.03 of the Revised Code"

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

Representative Butler 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 59, nays 36, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Antani	Baldrige	Becker
Butler	Callender	Carfagna	Carruthers
Cross	Cupp	Dean	DeVitis
Edwards	Fraizer	Ghanbari	Ginter
Green	Greenspan	Grendell	Hambley
Hillyer	Holmes, A.	Hood	Hoops
Jones	Jordan	Keller	Kick
Koehler	Lanese	Lang	LaRe
Lipps	Manchester	Manning, G.	McClain
Merrin	Oelslager	Patton	Perales
Plummer	Powell	Reineke	Richardson
Riedel	Roemer	Romanchuk	Scherer
Seitz	Smith, T.	Stein	Stephens
Stoltzfus	Swearingen	Vitale	Wiggam
Wilkin	Zeltwanger		Householder-59

Those who voted in the negative were: Representatives

Blair	Boggs	Brent	Brinkman
Brown	Cera	Clites	Crawley
Crossman	Denson	Galonski	Hicks-Hudson
Howse	Ingram	Kelly	Leland
Lepore-Hagan	Lightbody	Liston	Miller, J.
Miranda	O'Brien	Patterson	Robinson
Rogers	Russo	Sheehy	Skindell
Smith, K.	Sobecki	Strahorn	Sweeney
Sykes	Upchurch	Weinstein	West-36

The motion to amend was laid on the table.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 72, nays 23, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Antani	Baldrige	Becker
Blair	Brinkman	Butler	Callender
Carfagna	Carruthers	Cera	Cross
Crossman	Cupp	Dean	DeVitis
Edwards	Fraizer	Ghanbari	Ginter
Green	Greenspan	Grendell	Hambley
Hillyer	Holmes, A.	Hood	Hoops
Jones	Jordan	Keller	Kick
Koehler	Lanese	Lang	LaRe
Leland	Lipps	Manchester	Manning, G.
McClain	Merrin	Miranda	O'Brien
Oelslager	Patterson	Patton	Perales
Plummer	Powell	Reineke	Richardson
Riedel	Roemer	Rogers	Romanchuk
Russo	Scherer	Seitz	Sheehy
Smith, T.	Stein	Stephens	Stoltzfus
Strahorn	Swearingen	Sweeney	Vitale
Wiggam	Wilkin	Zeltwanger	Householder-72

Those who voted in the negative were: Representatives

Boggs	Brent	Brown	Clites
Crawley	Denson	Galonski	Hicks-Hudson
Howse	Ingram	Kelly	Lepore-Hagan
Lightbody	Liston	Miller, J.	Robinson
Skindell	Smith, K.	Sobecki	Sykes
Upchurch	Weinstein		West-23

The bill passed.

Representative Lang moved to amend the title as follows:

Add the names: "Abrams, Baldrige, Carruthers, Cross, Ghanbari, Holmes, A., Jones, Lanese, LaRe, Lipps, McClain, Merrin, Plummer, Roemer, Rogers, Seitz, Stein, Wiggam, Wilkin."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 339-Representative Merrin.

To amend sections 167.03, 1751.32, 1751.74, 1751.84, 1753.31, 3901.045, 3901.45, 3901.811, 3901.87, 3902.08, 3903.01, 3903.52, 3903.56, 3903.71, 3903.724, 3903.728, 3903.7211, 3903.74, 3904.01, 3904.16, 3905.051, 3905.14, 3905.84, 3909.04, 3911.24, 3913.11, 3913.40, 3915.05, 3915.053, 3915.073, 3915.13, 3916.171, 3919.14, 3922.11, 3922.14, 3923.021, 3923.04, 3923.53, 3925.09, 3927.08, 3929.04, 3930.10, 3931.03, 3931.99, 3941.46, 3951.04, 3951.10, 3953.14, 3956.01, 3959.01, 3960.07, 3964.19, and 3999.16 and to enact section 1.301 of the Revised Code to enact the "Insurance Code Correction Act" to make technical and corrective changes to the laws governing insurance, 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 3, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Antani	Baldrige	Becker
Blair	Boggs	Brent	Brinkman
Brown	Butler	Callender	Carfagna
Carruthers	Cera	Clites	Crawley
Cross	Crossman	Cupp	Dean
Denson	DeVitis	Edwards	Fraizer
Ghanbari	Ginter	Green	Greenspan
Grendell	Hambley	Hicks-Hudson	Hillyer
Holmes, A.	Hood	Hoops	Ingram
Jones	Jordan	Keller	Kelly
Kick	Koehler	Lanese	Lang
LaRe	Leland	Lepore-Hagan	Lightbody
Lipps	Liston	Manchester	Manning, G.
McClain	Merrin	Miller, J.	Miranda
O'Brien	Oelslager	Patterson	Patton
Perales	Plummer	Powell	Reineke
Richardson	Riedel	Robinson	Roemer
Rogers	Romanchuk	Russo	Scherer

Seitz	Sheehy	Skindell	Smith, K.
Smith, T.	Stein	Stephens	Stoltzfus
Strahorn	Swearingen	Sweeney	Sykes
Upchurch	Vitale	Weinstein	West
Wiggam	Wilkin	Zeltwanger	Householder-92

Representatives Galonski, Howse, and Sobecki voted in the negative-3.

The bill passed.

Representative Merrin moved to amend the title as follows:

Add the names: "Baldrige, Carruthers, Ghanbari, Jones, McClain, Roemer, Rogers, Seitz, Stein, Wiggam."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 365-Representative Manning, G.

To amend sections 4758.20 and 4758.42 of the Revised Code to revise the requirements for a chemical dependency counselor II license, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 93, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Antani	Baldrige	Becker
Blair	Boggs	Brent	Brinkman
Brown	Butler	Callender	Carfagna
Carruthers	Cera	Clites	Crawley
Cross	Crossman	Cupp	Dean
Denson	DeVitis	Edwards	Fraizer
Ghanbari	Ginter	Greenspan	Grendell
Hambley	Hicks-Hudson	Hillyer	Holmes, A.
Hood	Hoops	Howse	Ingram
Jones	Jordan	Keller	Kelly
Kick	Koehler	Lanese	Lang
LaRe	Leland	Lepore-Hagan	Lightbody
Lipps	Liston	Manchester	Manning, G.
McClain	Merrin	Miller, J.	Miranda
O'Brien	Oelslager	Patterson	Patton
Perales	Plummer	Powell	Reineke
Richardson	Riedel	Robinson	Roemer
Rogers	Romanchuk	Russo	Scherer
Seitz	Sheehy	Skindell	Smith, K.
Smith, T.	Sobecki	Stein	Stephens
Stoltzfus	Strahorn	Swearingen	Sweeney
Sykes	Upchurch	Vitale	Weinstein
West	Wiggam	Wilkin	Zeltwanger
			Householder-92

Representatives Galonski and Green voted in the negative-2.

The bill passed.

Representative Manning, G. moved to amend the title as follows:

Add the names: "Carruthers, Lanese, Richardson, Roemer, Rogers, Seitz, Stein."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 1-Senators McColley, Roegner.

Cosponsors: Senators Obhof, Brenner, Coley, Hackett, Hoagland, Hottinger, Huffman, S., Huffman, M., Lehner, Rulli, Peterson, Wilson, Terhar, Gavarone, Manning, Schaffer, Schuring, Uecker Representatives Wiggam, Hambley, Smith, T.

To amend sections 101.35, 106.021, 106.03, 106.031, 121.95, and 3701.13 and to enact sections 101.354, 101.355, 101.36, 107.57, 121.031, 121.951, 121.952, and 121.953 of the Revised Code to require certain agencies to reduce the number of regulatory restrictions in their administrative rules, to require the approval of the Joint Committee on Agency Rule Review for Department of Health orders to be effective for more than fourteen days, and to modify the Department's rulemaking authority, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 58, nays 37, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Antani	Baldrige	Becker
Brinkman	Butler	Callender	Carfagna
Carruthers	Cross	Cupp	Dean
DeVitis	Edwards	Fraizer	Ghanbari
Ginter	Green	Grendell	Hambley
Hillyer	Holmes, A.	Hood	Hoops
Jones	Jordan	Keller	Kick
Koehler	Lanese	Lang	LaRe
Lipps	Manchester	McClain	Merrin
Oelslager	Patton	Perales	Plummer
Powell	Reineke	Richardson	Riedel
Roemer	Romanchuk	Scherer	Seitz
Smith, T.	Stein	Stephens	Stoltzfus
Swearingen	Vitale	Wiggam	Wilkin
Zeltwanger			Householder-58

Those who voted in the negative were: Representatives

Blair	Boggs	Brent	Brown
Cera	Clites	Crawley	Crossman
Denson	Galonski	Greenspan	Hicks-Hudson

Howse	Ingram	Kelly	Leland
Lepore-Hagan	Lightbody	Liston	Manning, G.
Miller, J.	Miranda	O'Brien	Patterson
Robinson	Rogers	Russo	Sheehy
Skindell	Smith, K.	Sobecki	Strahorn
Sweeney	Sykes	Upchurch	Weinstein
			West-37

The bill passed.

Representative Wiggam moved to amend the title as follows:

Add the names: "Baldrige, Cross, Ghanbari, Green, Holmes, A., Jones, LaRe, McClain, Merrin, Plummer, Powell, Roemer, Seitz, Stein, Wilkin."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Butler, the House adjourned until Thursday, May 7, 2020 at 9:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,
Clerk.