

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, MARCH 24, 2021

TWENTY-EIGHTH DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, March 24, 2021, 1:00 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Rabbi Avtzon of the Rabbinical Yeshivas Lubavitch of Cincinnati in Cincinnati, Ohio, 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. 231 - Representative Fowler Arthur.

Cosponsors: Representatives Lipps, Seitz, Dean, Kick, Ray, Pavliga, Zeltwanger, McClain, Gross, Wiggam, Hall, Stoltzfus, Click, Ferguson, Grendell, Merrin, Young, B., Brinkman, John.

To amend sections 4501.02 and 4517.05 and to enact section 4517.321 of the Revised Code to prohibit the Registrar of Motor Vehicles or the Motor Vehicle Dealers Board from adopting rules regarding the hours of operation of a used motor vehicle dealer as a condition of licensure.

H. B. No. 232 - Representatives Howse, Miranda.

Cosponsors: Representatives Boyd, Miller, J., Smith, K., West, Blackshear, Sobecki, Brown, Lightbody, Ingram, Leland, Galonski, O'Brien, Brent, Crawley, Sykes, Robinson, Sweeney, Boggs, Denson, Jarrells, Upchurch, Skindell, Crossman, Smith, M., Miller, A., Liston, Russo, Kelly, Weinstein, Hicks-Hudson, Lepore-Hagan, Sheehy.

To amend sections 4112.04 and 4117.08 and to enact sections 142.01, 142.02, 142.03, 142.04, 142.05, 142.06, 142.07, 142.08, 142.09, 142.10, 4113.12, 4113.42, 4117.141, 4145.01, 4145.02, 4145.03, 4145.04, 4145.05, 4145.06, 4145.07, 4145.08, and 4145.09 of the Revised Code to enact the Ohio Equal Pay Act to address wage disparities in public and private employment.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Sobecki submitted the following report:

The standing committee on Ways and Means to which was referred **Sub. S. B. No. 18**-Senators Roegner, Schaffer, et al., having had the same under

consideration, reports it back as a substitute bill and recommends its passage.

RE: INCORPORATES FEDERAL IRS CHANGES

Representative Merrin moved to amend the title as follows:

Add the names: "Merrin, Roemer"

| | |
|--------------------------|---------------------|
| DEREK MERRIN | CRAIG S. RIEDEL |
| LISA A. SOBECKI | JEFFREY A. CROSSMAN |
| MARK FRAIZER | THOMAS HALL |
| DONTAVIUS L. JARRELLS | KRIS JORDAN |
| BETH LISTON | RIORDAN T. MCCLAIN |
| SCOTT OELSLAGER | JENA POWELL |
| PHILLIP M. ROBINSON, JR. | BILL ROEMER |
| DANIEL P. TROY | SCOTT WIGGAM |
| TOM YOUNG | |

The report was agreed to.

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

Representative Sobecki submitted the following report:

The standing committee on Ways and Means to which was referred **S. B. No. 57**-Senators Hackett, Antonio, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: EXEMPT CERTAIN HOUSING FROM PROPERTY TAXATION

Representative Merrin moved to amend the title as follows:

Add the names: "Merrin, Crossman, Liston, McClain, Wiggam, Young, T."

| | |
|--------------------------|---------------------|
| DEREK MERRIN | CRAIG S. RIEDEL |
| LISA A. SOBECKI | JEFFREY A. CROSSMAN |
| MARK FRAIZER | THOMAS HALL |
| DONTAVIUS L. JARRELLS | KRIS JORDAN |
| BETH LISTON | RIORDAN T. MCCLAIN |
| SCOTT OELSLAGER | JENA POWELL |
| PHILLIP M. ROBINSON, JR. | BILL ROEMER |
| DANIEL P. TROY | SCOTT WIGGAM |
| TOM YOUNG | |

The report was agreed to.

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

Representative Sobecki submitted the following report:

The standing committee on Ways and Means to which was referred **H. B. No. 126**-Representative Merrin, having had the same under consideration, reports it back and recommends its passage.

RE: REGARDS PROCESS FOR LOCAL GOVERNMENTS TO CONTEST PROPERTY VALUE

Representative Merrin moved to amend the title as follows:

Add the name: "Wiggam"

DEREK MERRIN
MARK FRAIZER
KRIS JORDAN
SCOTT OELSLAGER
BILL ROEMER
SCOTT WIGGAM

CRAIG S. RIEDEL
THOMAS HALL
RIORDAN T. MCCLAIN
JENA POWELL
DANIEL P. TROY
TOM YOUNG

The following members voted "NO"

LISA A. SOBECKI
DONTAVIUS L. JARRELLS
PHILLIP M. ROBINSON, JR.

JEFFREY A. CROSSMAN
BETH LISTON

The report was agreed to.

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

Representative Sheehy submitted the following report:

The standing committee on Transportation and Public Safety to which was referred **H. R. No. 13**-Representative Sheehy, et al., having had the same under consideration, reports it back as a substitute resolution and recommends its adoption.

RE: URGE MICHIGAN TO KEEP ENBRIDGE LINE 5 OPERATING.

Representative McClain moved to amend the title as follows:

Add the names: "Baldrige, McClain, Ghanbari, O'Brien"

BRIAN BALDRIDGE
MICHAEL SHEEHY
RODNEY CREECH
THOMAS HALL
JEFF LARE
MICHAEL J. O'BRIEN

RIORDAN T. MCCLAIN
JUANITA O. BRENT
HARAZ N. GHANBARI
MARK JOHNSON
JESSICA E. MIRANDA

The report was agreed to.

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

Representative Sheehy submitted the following report:

The standing committee on Transportation and Public Safety to which was referred **H. B. No. 164**-Representative Ghanbari, having had the same under consideration, reports it back and recommends its passage.

RE: DESIGNATE LAKE TOWNSHIP VETERANS MEMORIAL HIGHWAY

Representative McClain moved to amend the title as follows:

Add the names: "Baldrige, McClain, Sheehy, Creech, Hall, LaRe, O'Brien"

BRIAN BALDRIDGE
MICHAEL SHEEHY
RODNEY CREECH
THOMAS HALL
JEFF LARE
MICHAEL J. O'BRIEN

RIORDAN T. MCCLAIN
JUANITA O. BRENT
HARAZ N. GHANBARI
MARK JOHNSON
JESSICA E. MIRANDA

The report was agreed to.

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

Representative Sheehy submitted the following report:

The standing committee on Transportation and Public Safety to which was referred **H. B. No. 217**-Representative Baldrige, et al., having had the same under consideration, reports it back and recommends its passage.

RE: DESIGNATE ADAMS COUNTY VIETNAM VETERANS MEMORIAL HIGHWAY

Representative McClain moved to amend the title as follows:

Add the names: "Sheehy, Creech, LaRe, Miranda, O'Brien"

BRIAN BALDRIDGE
MICHAEL SHEEHY
RODNEY CREECH
THOMAS HALL
JESSICA E. MIRANDA

RIORDAN T. MCCLAIN
JUANITA O. BRENT
HARAZ N. GHANBARI
JEFF LARE
MICHAEL J. O'BRIEN

The report was agreed to.

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

Representative Upchurch submitted the following report:

The standing committee on Economic and Workforce Development to which was referred **H. B. No. 168**-Representatives Fraizer, Loychik, having had the same under consideration, reports it back and recommends its re-referral to the committee on Rules and Reference.

RE: PROVIDE GRANTS TO BUSINESSES, FAIRS, CHILD CARE, VETERANS HOMES

Representative Loychik moved to amend the title as follows:

Add the name: "Edwards"

| | |
|--------------------------|---------------------|
| JAY EDWARDS | TERRENCE UPCHURCH |
| JON CROSS | RON FERGUSON |
| ADAM HOLMES | CATHERINE D. INGRAM |
| MIKE LOYCHIK | CRAIG S. RIEDEL |
| PHILLIP M. ROBINSON, JR. | MONIQUE SMITH |
| BOB YOUNG | PAUL ZELTWANGER |

The report was agreed to.

The bill was ordered to be engrossed and re-referred to the committee on Rules and Reference.

Representative Upchurch submitted the following report:

The standing committee on Economic and Workforce Development to which was referred **H. B. No. 169**-Representatives Cutrona, Swearingen, having had the same under consideration, reports it back and recommends its re-referral to the committee on Rules and Reference.

RE: PROVIDE GRANTS TO BARS, RESTAURANTS, AND THE LODGING INDUSTRY

Representative Edwards moved to amend the title as follows:

Add the name: "Edwards"

| | |
|--------------------------|---------------------|
| JAY EDWARDS | TERRENCE UPCHURCH |
| JON CROSS | RON FERGUSON |
| ADAM HOLMES | CATHERINE D. INGRAM |
| MIKE LOYCHIK | CRAIG S. RIEDEL |
| PHILLIP M. ROBINSON, JR. | MONIQUE SMITH |
| BOB YOUNG | PAUL ZELTWANGER |

The report was agreed to.

The bill was ordered to be engrossed and re-referred to the committee on Rules and Reference.

Representative Sykes reported for the Rules and Reference committee recommending that the following House Bills and Senate Bills be considered for the second time and referred to the following committees for consideration:

H. B. No. 224 - Representatives Howse and Galonski
TO CREATE THE OHIO ASIAN-AMERICAN AND PACIFIC ISLANDER AFFAIRS COMMISSION AND THE OFFICE OF ASIAN- AMERICAN AND PACIFIC ISLANDER AFFAIRS AND TO MAKE AN APPROPRIATION.

To the committee on State and Local Government

H. B. No. 225 - Representatives Edwards and Hall
TO GRANT INCOME TAX CREDITS TO PERSONS WHO SERVE AS VOLUNTEER PEACE OFFICERS, FIREFIGHTERS, OR EMERGENCY MEDICAL SERVICE TECHNICIANS.

To the committee on Ways and Means

H. B. No. 226 - Representatives Pavliga and Miller, A.
TO EXPAND INTIMIDATION OFFENSES TO INCLUDE GUARDIANS AD LITEM AND COURT APPOINTED SPECIAL ADVOCATES.

To the committee on Criminal Justice

H. B. No. 227 - Representatives Brinkman and Jordan
TO RENAME A CONCEALED HANDGUN LICENSE AS A CONCEALED WEAPONS LICENSE, TO ALLOW A CONCEALED WEAPONS LICENSEE TO CARRY CONCEALED ALL DEADLY WEAPONS NOT OTHERWISE PROHIBITED BY LAW, TO EXPAND STATE PREEMPTION OF FIREARMS REGULATION TO INCLUDE ALL DEADLY WEAPONS, TO REPEAL A NOTICE REQUIREMENT FOR LICENSEES STOPPED FOR LAW ENFORCEMENT PURPOSES, TO AUTHORIZE EXPUNGEMENT OF RELATED CONVICTIONS, AND TO ALLOW A PERSON AGE 21 OR OLDER TO CARRY A CONCEALED DEADLY WEAPON WITHOUT A LICENSE.

To the committee on Government Oversight

H. B. No. 228 - Representative Roemer
TO MAKE CHANGES RELATED TO STATE-ADMINISTERED MUNICIPAL NET PROFITS TAXES.

To the committee on Ways and Means

H. B. No. 229 - Representatives Wilkin and Swearingen
TO PROVIDE A QUALIFIED IMMUNITY TO CAMP OPERATORS FOR HARM ARISING FROM A RISK INHERENT TO CAMPING.

To the committee on Civil Justice

H. B. No. 230 - Representatives Ray and Hall
REGARDING THE STATE'S INFORMATION TECHNOLOGY SYSTEMS
AND SHARED SERVICES AND TO MAKE AN APPROPRIATION.
To the committee on Technology and Innovation

Am. S. B. No. 15 - Senator Wilson
TO CHANGE THE CIRCUMSTANCES IN WHICH CERTAIN FISCAL
OFFICERS MAY BE HELD LIABLE FOR A LOSS OF PUBLIC FUNDS.
To the committee on State and Local Government

S. B. No. 20 - Senator Hackett
TO EXEMPT COUNTY UTILITY SUPPLY CONTRACTS ENTERED
INTO UNDER A JOINT PURCHASING PROGRAM FROM THE 10-YEAR
MAXIMUM PERIOD FOR SUCH CONTRACTS AND TO DECLARE AN
EMERGENCY.
To the committee on State and Local Government

S. B. No. 108 - Senators Huffman, S. and Romanchuk
TO PROVIDE GRANTS TO BARS AND RESTAURANTS AND THE
LODGING INDUSTRY AND TO MAKE AN APPROPRIATION.
To the committee on Economic and Workforce Development

S. B. No. 109 - Senators Manning and Rulli
TO PROVIDE GRANTS TO BUSINESSES, LOCAL FAIRS, CHILD CARE
PROVIDERS, AND VETERANS HOMES AND TO MAKE AN
APPROPRIATION.
To the committee on Economic and Workforce Development

Am. S. B. No. 110 - Senators O'Brien and Wilson
TO PROVIDE RENT AND UTILITY ASSISTANCE AND TO MAKE AN
APPROPRIATION.
To the committee on Finance

ROBERT R. CUPP
CINDY ABRAMS
RICK CARFAGNA
DON JONES
PHIL PLUMMER

EMILIA STRONG SYKES
RICHARD D. BROWN
PAULA HICKS-HUDSON
SCOTT OELSLAGER
BILL SEITZ

Representative Ginter 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 and Senate 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 and Senate Bills were considered the second time and referred as recommended.

Representative Sykes reported for the Rules and Reference committee recommending that the following House Concurrent Resolution and Senate Concurrent Resolution be introduced and referred to the following committees for consideration:

H. C. R. No. 8 - Representative Grendell
TO CREATE THE JOINT SELECT INVESTIGATIVE COMMITTEE ON
UNEMPLOYMENT COMPENSATION FRAUD.
To the committee on Government Oversight

S. C. R. No. 1 - Senator Schaffer
TO URGE THE CONGRESS OF THE UNITED STATES TO ENACT THE
MARK TAKAI ATOMIC VETERANS HEALTHCARE PARITY ACT.
To the committee on Armed Services and Veterans Affairs

/s/ ROBERT R. CUPP
Robert R. Cupp, Chair

Representative Ginter moved that the Rules and Reference committee report on resolutions be agreed to and that the House Concurrent Resolution and Senate Concurrent Resolution contained therein be introduced and referred as recommended.

The motion was agreed to.

Said House Concurrent Resolution and Senate Concurrent Resolution were introduced and referred as recommended.

Representative Sykes reported for the Rules and Reference committee recommending that the following resolution be read by title only and approved:

H. R. No. 36 - Representatives Hicks-Hudson and Sheehy
Honoring the St. Francis DeSales High School hockey team as the 2021
Division I State Champion.

/s/ ROBERT R. CUPP
Robert R. Cupp, Chair

Representative Ginter moved that the Rules and Reference committee report on resolutions be agreed to and that the resolution contained therein be approved.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION**H. B. No. 191**-Representative Cutrona.

Cosponsors: Representatives Jones, Brent, Abrams, LaRe, West, Ray, Stoltzfus, Ghanbari, Pavliga, Kick, Plummer, Click, Roemer, Ginter, Riedel, Seitz, Miller, J., McClain, Baldrige, Sheehy, Hall.

To enact section 5534.501 of the Revised Code to designate a bridge along State Route 164 in Mahoning County as the "Don Manning Memorial Bridge," was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 98, nays 0, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|------------|--------------|---------------|------------|
| Abrams | Baldrige | Bird | Blackshear |
| Boggs | Boyd | Brent | Brinkman |
| Brown | Callender | Carfagna | Carruthers |
| Click | Crawley | Creech | Cross |
| Crossman | Cutrona | Dean | Denson |
| Edwards | Ferguson | Fowler Arthur | Fraizer |
| Galonski | Ghanbari | Ginter | Grendell |
| Gross | Hall | Hicks-Hudson | Hillyer |
| Holmes | Hoops | Householder | Howse |
| Ingram | Jarrells | John | Johnson |
| Jones | Jordan | Kelly | Kick |
| Koehler | Lampton | Lanese | LaRe |
| Leland | Lepore-Hagan | Lightbody | Lipps |
| Liston | Loychik | Manchester | Manning |
| McClain | Merrin | Miller, J. | Miranda |
| O'Brien | Oelslager | Patton | Pavliga |
| Plummer | Powell | Ray | Richardson |
| Riedel | Robinson | Roemer | Russo |
| Schmidt | Seitz | Sheehy | Skindell |
| Smith, K. | Smith, M. | Sobecki | Stein |
| Stephens | Stewart | Stoltzfus | Swearingen |
| Sweeney | Sykes | Troy | Upchurch |
| Vitale | Weinstein | West | White |
| Wiggam | Wilkin | Young, B. | Young, T. |
| Zeltwanger | | | Cupp-98 |

The bill passed.

Representative Cutrona moved to amend the title as follows:

Add the names: "Bird, Boggs, Brown, Callender, Carfagna, Carruthers, Crawley, Creech, Cross, Crossman, Denson, Edwards, Fraizer, Galonski, Grendell, Gross, Hicks-Hudson, Hillyer, Holmes, Hoops, Householder, Howse, Jarrells, John, Kelly, Koehler, Lampton, Lanese, Lightbody, Lipps, Loychik, Manning, O'Brien, Oelslager, Patton, Powell, Richardson, Robinson, Russo, Schmidt, Smith, M., Sobecki, Stein, Stephens, Swearingen, Sweeney, Upchurch, Weinstein, White, Wiggam, Wilkin, Young, T., Speaker Cupp."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 87-Representatives Stephens, John.

Cosponsors: Representatives Stewart, Cross, Troy, Lampton.

To amend section 307.04 of the Revised Code to exempt county utility supply contracts entered into under a joint purchasing program from the 10-year maximum period for such contracts and to declare an emergency, was taken up for consideration the third time.

The question being, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted – yeas 93, nays 5, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|-----------|--------------|------------|---------------|
| Abrams | Baldrige | Bird | Blackshear |
| Boggs | Brent | Brown | Callender |
| Carfagna | Carruthers | Click | Crawley |
| Creech | Cross | Crossman | Cutrona |
| Denson | Edwards | Ferguson | Fowler Arthur |
| Fraizer | Galonski | Ghanbari | Ginter |
| Grendell | Gross | Hall | Hicks-Hudson |
| Hillyer | Holmes | Hoops | Householder |
| Ingram | Jarrells | John | Johnson |
| Jones | Jordan | Kelly | Kick |
| Koehler | Lampton | Lanese | LaRe |
| Leland | Lepore-Hagan | Lightbody | Lipps |
| Liston | Loychik | Manchester | Manning |
| McClain | Merrin | Miller, J. | Miranda |
| O'Brien | Oelslager | Patton | Pavliga |
| Plummer | Powell | Ray | Richardson |
| Riedel | Robinson | Roemer | Russo |
| Schmidt | Seitz | Sheehy | Skindell |
| Smith, K. | Smith, M. | Sobecki | Stein |
| Stephens | Stewart | Stoltzfus | Swearingen |
| Sweeney | Sykes | Troy | Upchurch |
| Weinstein | West | White | Wiggam |
| Wilkin | Young, B. | Young, T. | Zeltwanger |
| | | | Cupp-93 |

Representatives Boyd, Brinkman, Dean, Howse, and Vitale voted in the negative-5.

Having received the required Constitutional majority, the emergency clause stood as part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted – yeas 98, nays 0, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|--------|-----------|----------|------------|
| Abrams | Baldrige | Bird | Blackshear |
| Boggs | Boyd | Brent | Brinkman |
| Brown | Callender | Carfagna | Carruthers |

| | | | |
|------------|--------------|---------------|------------|
| Click | Crawley | Creech | Cross |
| Crossman | Cutrona | Dean | Denson |
| Edwards | Ferguson | Fowler Arthur | Fraizer |
| Galonski | Ghanbari | Ginter | Grendell |
| Gross | Hall | Hicks-Hudson | Hillyer |
| Holmes | Hoops | Householder | Howse |
| Ingram | Jarrells | John | Johnson |
| Jones | Jordan | Kelly | Kick |
| Koehler | Lampton | Lanese | LaRe |
| Leland | Lepore-Hagan | Lightbody | Lipps |
| Liston | Loychik | Manchester | Manning |
| McClain | Merrin | Miller, J. | Miranda |
| O'Brien | Oelslager | Patton | Pavliga |
| Plummer | Powell | Ray | Richardson |
| Riedel | Robinson | Roemer | Russo |
| Schmidt | Seitz | Sheehy | Skindell |
| Smith, K. | Smith, M. | Sobecki | Stein |
| Stephens | Stewart | Stoltzfus | Swearingen |
| Sweeney | Sykes | Troy | Upchurch |
| Vitale | Weinstein | West | White |
| Wiggam | Wilkin | Young, B. | Young, T. |
| Zeltwanger | | | Cupp-98 |

Having received the required constitutional majority, the bill passed as an emergency measure.

Representative Stephens moved to amend the title as follows:

Add the names: "Baldrige, Bird, Carruthers, Click, Creech, Cutrona, Fraizer, Galonski, Ginter, Gross, Hall, Hillyer, Householder, Johnson, Jones, Kick, Loychik, Miller, J., O'Brien, Patton, Pavliga, Plummer, Sobecki, Wilkin."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 18-Senators Roegner, Schaffer.

Cosponsors: Senators Blessing, Cirino, Dolan, Gavarone, Hackett, Hoagland, Hottinger, Huffman, S., Johnson, Kunze, Lang, McColley, O'Brien, Peterson, Reineke, Schuring, Sykes, Thomas, Wilson, Yuko Representatives Merrin, Roemer.

To amend sections 4141.321, 5701.11, 5733.41, and 5747.41 and to enact section 5747.065 of the Revised Code and to amend Section 36 of H.B. 481 of the 133rd General Assembly to modify the law governing taxation and to declare an emergency, was taken up for consideration the third time.

The question being, "Shall the emergency clause stand as part of the bill?"

Representative Crossman moved to amend, amendment 0943, as follows:

After line 249, insert:

"Section 6. Notwithstanding any provision of Chapter 5747. of the Revised Code to the contrary, in computing Ohio adjusted gross income, a deduction from federal adjusted gross income is allowed for any unemployment compensation, including any pandemic unemployment assistance, received during the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, to the extent that such payments were not deducted in determining the recipient's federal adjusted gross income for the taxable year. Terms used in this section have the same meanings as in section 5747.01 of the Revised Code.

A taxpayer that filed a return before the effective date of this section for the taxpayer's taxable year ending in 2020 may either amend that return to claim the deduction authorized under this section or claim a refundable credit against the taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for the following taxable year equal to the difference between the amount of tax actually paid for the preceding taxable year and the amount of tax actually due for that taxable year after taking into account that deduction. Such a credit shall be claimed after all other credits listed in section 5747.98 of the Revised Code. If the amount of that credit exceeds the aggregate amount of tax otherwise due, after allowing for any other credit, the excess shall be refunded to the taxpayer."

In line 250, delete "6" and insert "7"

In line 257, delete "7" and insert "8"

In line 260, delete "8" and insert "9"

In line 274, delete "9" and insert "10"

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 60, nays 35, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|----------|---------------|-------------|-----------|
| Abrams | Baldrige | Bird | Callender |
| Carfagna | Carruthers | Click | Crawley |
| Creech | Cross | Cutrona | Dean |
| Edwards | Fowler Arthur | Fraizer | Ghanbari |
| Ginter | Grendell | Hall | Hillyer |
| Holmes | Hoops | Householder | John |
| Johnson | Jones | Jordan | Kick |
| Koehler | Lampton | Lanese | LaRe |
| Lipps | Manchester | Manning | McClain |
| Merrin | Oelslager | Patton | Pavliga |

| | | | |
|------------|-----------|------------|------------|
| Plummer | Powell | Ray | Richardson |
| Riedel | Roemer | Schmidt | Seitz |
| Stein | Stephens | Stewart | Stoltzfus |
| Swearingen | White | Wiggam | Wilkin |
| Young, B. | Young, T. | Zeltwanger | Cupp-60 |

Those who voted in the negative were: Representatives

| | | | |
|------------|--------------|-----------|--------------|
| Blackshear | Boggs | Boyd | Brent |
| Brinkman | Brown | Crossman | Denson |
| Ferguson | Galonski | Gross | Hicks-Hudson |
| Howse | Ingram | Jarrells | Kelly |
| Leland | Lepore-Hagan | Lightbody | Miller, J. |
| Miranda | O'Brien | Robinson | Russo |
| Sheehy | Skindell | Smith, K. | Smith, M. |
| Sobecki | Sweeney | Troy | Upchurch |
| Vitale | Weinstein | | West-35 |

The motion to amend was laid on the table.

The question recurring, “Shall the emergency clause stand as part of the bill?”

The yeas and nays were taken and resulted – yeas 94, nays 2, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|---------------|-----------|------------|--------------|
| Abrams | Baldrige | Bird | Blackshear |
| Boggs | Boyd | Brent | Brown |
| Callender | Carfagna | Carruthers | Crawley |
| Creech | Cross | Crossman | Cutrona |
| Dean | Denson | Edwards | Ferguson |
| Fowler Arthur | Fraizer | Galonski | Ghanbari |
| Ginter | Grendell | Gross | Hall |
| Hicks-Hudson | Hillyer | Holmes | Hoops |
| Householder | Howse | Ingram | Jarrells |
| John | Johnson | Jones | Jordan |
| Kelly | Kick | Koehler | Lampton |
| Lanese | LaRe | Leland | Lepore-Hagan |
| Lightbody | Lipps | Liston | Manchester |
| Manning | McClain | Merrin | Miller, J. |
| Miranda | O'Brien | Oelslager | Patton |
| Pavliga | Plummer | Powell | Ray |
| Richardson | Riedel | Robinson | Roemer |
| Russo | Schmidt | Seitz | Sheehy |
| Skindell | Smith, K. | Smith, M. | Sobecki |
| Stein | Stephens | Stewart | Stoltzfus |
| Swearingen | Sweeney | Sykes | Troy |
| Upchurch | Weinstein | West | White |
| Wiggam | Wilkin | Young, B. | Young, T. |
| Zeltwanger | | | Cupp-94 |

Representatives Brinkman and Vitale voted in the negative-2.

Having received the required Constitutional majority, the emergency clause stood as part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted – yeas 98, nays 0, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|------------|--------------|---------------|------------|
| Abrams | Baldrige | Bird | Blackshear |
| Boggs | Boyd | Brent | Brinkman |
| Brown | Callender | Carfagna | Carruthers |
| Click | Crawley | Creech | Cross |
| Crossman | Cutrona | Dean | Denson |
| Edwards | Ferguson | Fowler Arthur | Fraizer |
| Galonski | Ghanbari | Ginter | Grendell |
| Gross | Hall | Hicks-Hudson | Hillyer |
| Holmes | Hoops | Householder | Howse |
| Ingram | Jarrells | John | Johnson |
| Jones | Jordan | Kelly | Kick |
| Koehler | Lampton | Lanese | LaRe |
| Leland | Lepore-Hagan | Lightbody | Lipps |
| Liston | Loychik | Manchester | Manning |
| McClain | Merrin | Miller, J. | Miranda |
| O'Brien | Oelslager | Patton | Pavliga |
| Plummer | Powell | Ray | Richardson |
| Riedel | Robinson | Roemer | Russo |
| Schmidt | Seitz | Sheehy | Skindell |
| Smith, K. | Smith, M. | Sobecki | Stein |
| Stephens | Stewart | Stoltzfus | Swearingen |
| Sweeney | Sykes | Troy | Upchurch |
| Vitale | Weinstein | West | White |
| Wiggam | Wilkin | Young, B. | Young, T. |
| Zeltwanger | | | Cupp-98 |

Having received the required constitutional majority, the bill passed as an emergency measure.

Representative Merrin moved to amend the title as follows:

Add the names: "Abrams, Baldrige, Blackshear, Boyd, Brown, Carruthers, Click, Cutrona, Dean, Edwards, Fraizer, Galonski, Ghanbari, Ginter, Gross, Hall, Hicks-Hudson, Hillyer, Householder, Ingram, Jarrells, Johnson, Jones, LaRe, Lepore-Hagan, Lipps, McClain, Miller, J., Miranda, O'Brien, Richardson, Riedel, Schmidt, Sobecki, Stephens, Swearingen, Sykes, Troy, West, White, Wiggam, Young, B., Young, T., Speaker Cupp."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Ginter, the House recessed.

The House met pursuant to recess.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Governor of Ohio, having signed **Sub. S. B. No. 22** entitled an act:

To amend sections 106.022, 111.15, 119.03, 2743.03, 3701.13, 3701.14, 3707.01, 3707.26, 3715.74, and 4935.03 and to enact sections 101.36, 103.65, 103.651, 107.42, 107.43, 3707.11, 3707.54, 3709.212, and 3709.50 of the Revised Code to establish legislative oversight of certain orders and rules issued by the executive branch, including by establishing the Ohio Health Oversight and Advisory Committee.

The Senate proceeded to reconsider the bill to which the Governor objected. The bill, having received the required constitutional majority, passed notwithstanding the objections of the Governor.

I am directed by the Senate to communicate a copy of said bill, the message of the Governor with his objections, and the proceedings of the Senate thereon to the House of Representatives.

Attest:

Vincent L. Keeran,
Clerk.

The Speaker handed down the following communication from the Governor:

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

**STATEMENT TO THE REASONS FOR THE VETO OF
SUBSTITUTE SENATE BILL 22**

Pursuant to Article II, Section 16, of the Ohio Constitution, which states that the Governor may disapprove of any bill, I hereby disapprove of Substitute Senate Bill 22 (SB 22) and set forth the following reasons for so doing.

Senate Bill 22 jeopardizes the safety of every Ohioan. It goes well beyond the issues that have occurred during the COVID-19 pandemic. SB 22 strikes at the heart of local health departments' ability to move quickly to protect the public from the most serious emergencies Ohio could face. As Dr. Bruce Vanderhoff, Chief Medical Officer at the Ohio Department of Health, said in

recent testimony: "SB 22 leaves a gaping hole in our toolbox, hampering the State's ability to quickly respond during emergencies, when lives may be at stake. Emergency response must be nimble, and public health officials must have the ability to react to rapidly to changing conditions as they happen."

SB 22 handcuffs Ohio's ability to confront crises. The emergence of a yet unknown, epidemic illnesses bursting on the scene -- just as COVID-19 did -- remains a very real threat, as does the risk of state and non-state-sponsored terrorism. Ebola also remains a danger across the world -- and right here in Ohio. In fact, we actively monitor travelers who have been to affected parts of the globe. Other diseases are lurking threats, including deadly strains of flu, such as H7N9 or cousins of COVID-19, such as MERS-CoV. Our public health leaders continue to watch for and respond to serious outbreaks of diseases, such as measles, hepatitis A, botulism, and Norovirus in communities across our state.

PROTECTING OHIO CITIZENS

SB 22 strips local health departments and the Ohio Department of Health (ODH) of their ability to protect Ohio citizens from these possible future threats. The bill prohibits a local health department and ODH from requiring someone to quarantine or isolate unless there has been a specific medical diagnosis of that person or unless that person has come in direct contact with someone who has been "medically diagnosed." Here are some examples of how this requirement in SB 22 could result in a serious tragedy:

1. In January 2020, two Miami University students returned to campus from Wuhan China. At that time, coronavirus tests did not exist in Ohio, so to determine if the students had the virus, their tests had to be sent to the Centers for Disease Control and Prevention. While awaiting the test results, which took more than five days, the Butler County Health Department asked the students to self-quarantine, which they did. Under SB 22, if they had refused, neither the Butler County Health Department nor the Ohio Department of Health would have had the authority to require the students to quarantine before they were medically diagnosed.

And so, if the students had refused to quarantine and they had the virus, they could have infected a number of Miami University students and other Butler County citizens. The Butler County Health Department and ODH would have been helpless to stop this spread. Without immediate access to testing results, it might be impossible to medically diagnose a person, especially someone who is asymptomatic. Such a situation could certainly happen again with a future novel virus.

2. Ebola exists in certain parts of Africa. Today in Ohio, health officials are actively monitoring 44 people who have returned from areas of Africa with active outbreaks of Ebola. While it is currently believed these individuals are at very low risk of having contracted Ebola, if one of them develops symptoms, SB 22 would prevent our public health apparatus from swinging into rapid action and taking decisive steps to isolate, quarantine, and protect the public from the threat of this deadly virus until a medical diagnosis can be obtained.
3. Under SB 22, if terrorists or a foreign country introduced smallpox or the plague into Ohio, neither local health departments nor the Ohio Department of Health would have the power to appropriately quarantine or isolate anyone without a required medical diagnosis. Spread would be the inevitable result.
4. SB 22 also limits health departments' ability to respond to food-borne illnesses. For example, assume there is a Norovirus outbreak in a restaurant that makes over 500 people severely ill, and it is traced back to a cook. Under SB 22, even a symptomatic cook could not be made to isolate without a medical diagnosis, and it would be legally difficult and perhaps legally impossible to force a resistive cook to see a physician for a medical diagnosis. Therefore, the cook could continue to work in that restaurant or another restaurant, and the local health department would be powerless to stop the resulting spread of illness.

AVALANCHE OF LAWSUITS

SB 22 makes a dramatic change in how and where the State can be sued. It would:

- Eliminate Ohio's long-standing sovereign immunity protections, authorizing an award of monetary damages against the State for actions taken pursuant to an emergency order;
- Permit class action treatment of the newly authorized damage claims with potential massive financial exposure to the State;
- Provide attorneys' fees awards against the State even if the plaintiff does not ultimately prevail on all or even the main issues;
- Allow lawsuits against state agencies in every county, even if no action has been taken in that county; and
- Authorize suits against the General Assembly, itself.

The bill provides that when a "state of emergency" has been declared, anyone who feels aggrieved by the actions as a result could sue for damages and attorneys' fees. The bill would take suits for damages against the State out of

the Court of Claims, where they have been for over 40 years, and allow them to be filed in any county where a plaintiff lives -- irrespective of the geographical region covered by the challenged order.

It is important to remember that most "states of emergency" have nothing to do with health orders. Rather, they might be issued as a result of flooding along the Ohio River, a tornado in western Ohio, a washed-out road, or a prison riot (remember Lucasville?). So, for example:

1. A state of emergency was declared for the Republican National Convention in 2016, when it was hosted in Cleveland. SB 22 would give any group that did not like the resulting orders issued by the State a legislatively-approved path to sue in any county in Ohio -- not just in Cuyahoga County.

So, let's suppose that during the Republican National Convention, the Ohio Director of Public Safety ordered certain state routes to be shut down in Cuyahoga County, but an activist group, with members from several different Ohio counties, didn't like that. Under SB 22, suits against the Public Safety Director could be filed in each county where an activist member lives -- not just in Cuyahoga County where the orders were invoked.

2. Imagine if a weather emergency is declared after a series of tornadoes in western Ohio. The Public Utilities Commission (PUCO) issues a waiver (which would qualify as an order under SB 22) for the number of hours a truck driver can work to haul storm debris away in the affected area. Under SB 22, a clear legal pathway is given to sue the PUCO both to challenge the waiver and to its duration.

So, you could have Trucking Company A file a lawsuit in a county in northeast Ohio, where it is headquartered, to expand the waiver, while you could also have Trucking Company B file a lawsuit to rescind the waiver in a county in southeast Ohio, where that company is headquartered. Both courts would have jurisdiction and venue under SB 22, and both courts could come to a different conclusion -- all in the middle of an emergency, creating chaos at the worst possible time.

3. What would happen if a sustained prison riot erupted in one of our prisons, creating an institutional takeover with hostages? When a state of emergency is declared, the Governor could issue certain lawful orders, such as cutting the power and water at that prison. Under SB 22, any inmate's family members could run into their local court and sue the Governor to prevent those orders from taking

effect. That could result in the judicial handcuffing of the Executive Branch when trying to deal with a dangerous hostage situation.

FOOD SAFETY

SB 22 also limits a local health department's ability to issue a general order to potentially impacted groups if it is unable to precisely identify the impacted persons. For example, if the source of E. coli were determined to be romaine lettuce from a particular supplier, but the local health department did not know which restaurants had received the lettuce in question, SB 22 would prevent the local health department from issuing a general order requiring a class of persons (i.e., all restaurants within its jurisdiction that received romaine lettuce from that supplier) to destroy the contaminated lettuce. Under SB 22, orders may be issued only to specific persons, and any order or regulation that applies to a class of persons would be invalid and have no legal effect.

COURTS WILL MAKE HEALTH POLICY

While the intent of SB 22 is to give the General Assembly more power in regard to health orders, the bill would result in public health policy really being made by individual courts in as many as 88 Ohio counties!

If a state of emergency is declared, SB 22 creates a special pathway to filing lawsuits that is easier and potentially very profitable for trial attorneys. So, at precisely the times that government must act with focus and resolve making immediate, decisive, gut-wrenching, and often unpopular decisions, SB 22 flings the Courthouse doors wide open for immediate judicial intervention. SB 22 not only allows for this, but encourages it through potentially lucrative attorneys' fees and damage awards against the State. And, SB 22 makes jury trials available to those plaintiffs.

Courts, via these lawsuits, will be the branch of government shaping the response to an emergency, even if that emergency is not happening in the courts' normal jurisdiction. Courts, by design of our system of government, are the least equipped of the branches to shape an emergency response -- but SB 22 forces this into their lap.

STATE UNIVERSITIES

Some of you have heard from your state universities expressing serious concerns about SB 22 and the impact it would have on their future. Since 1974, suits for damages against the State, including state universities, have been required to be filed in the Court of Claims. SB 22 would allow lawsuits to be brought against universities for any order related to the state of

emergency issued during a state of emergency, creating the possibility for them to be sued for money damages in the Court of Common Pleas in each of the 88 counties in which a student resides.

Further, if SB 22 became law, universities' efforts to protect students living in dormitories, such as mask orders or isolation of students who test positive for COVID-19, would be subject to damage claims in Common Pleas courts. And, under SB 22, recent extreme weather conditions could create a weather emergency potentially giving rise to a damage claim when classes are cancelled or dormitories are closed.

THE OHIO GENERAL ASSEMBLY

The ability to sue the legislature itself would be dramatically expanded by SB 22. The bill's broad definition of "state agency" also includes the General Assembly. As such, SB 22 would authorize suit in any county against the legislature and would authorize an award of damages and attorneys' fees against the General Assembly if an order or rule that the General Assembly extended is ultimately invalidated, such as orders around employment during an emergency. This unprecedented authorization of suit would expose the members of the General Assembly to document and deposition discovery.

CONSTITUTIONALITY

We believe that significant portions of SB 22 are unconstitutional. Parts of the bill violate the separation of powers doctrine embedded in our Ohio Constitution; other parts violate Article II, Section 15 of the Ohio Constitution, proscribing how laws must be made; and even other parts of the bill likely violate Article IV, Section 5 of the Ohio Constitution, by exercising power reserved to the judiciary.

For all these reasons, I am vetoing SB 22.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed at Columbus this 23rd day of March, Two Thousand Twenty-One.

[Seal]

/s/ MIKE DEWINE
Mike DeWine, Governor

Representative Ginter moved that the reading of the veto message be dispensed with.

The question being, "Shall the reading of the veto message be dispensed with?"

The yeas and nays were taken and resulted – yeas 63, nays 34, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|-------------|------------|---------------|------------|
| Abrams | Baldrige | Bird | Brinkman |
| Callender | Carfagna | Carruthers | Click |
| Creech | Cross | Cutrona | Dean |
| Edwards | Ferguson | Fowler Arthur | Fraizer |
| Ghanbari | Ginter | Grendell | Gross |
| Hall | Hillyer | Holmes | Hoops |
| Householder | John | Johnson | Jones |
| Jordan | Kick | Koehler | Lampton |
| Lanese | LaRe | Lipps | Loychik |
| Manchester | Manning | McClain | Merrin |
| Oelslager | Patton | Pavliga | Plummer |
| Powell | Ray | Richardson | Riedel |
| Roemer | Schmidt | Seitz | Stein |
| Stephens | Stewart | Stoltzfus | Swearingen |
| White | Wiggam | Wilkin | Young, B. |
| Young, T. | Zeltwanger | | Cupp-63 |

Those who voted in the negative were: Representatives

| | | | |
|------------|--------------|------------|--------------|
| Blackshear | Boggs | Boyd | Brent |
| Brown | Crawley | Crossman | Denson |
| Galonski | Hicks-Hudson | Howse | Ingram |
| Jarrells | Kelly | Leland | Lepore-Hagan |
| Lightbody | Liston | Miller, J. | Miranda |
| O'Brien | Robinson | Russo | Sheehy |
| Skindell | Smith, K. | Smith, M. | Sobecki |
| Sweeney | Sykes | Troy | Upchurch |
| Weinstein | | | West-34 |

The motion was agreed to.

The House proceeded to the consideration of **Sub. S. B. 22** vetoed by the Governor.

The question being, "Shall the bill pass notwithstanding the objections of the Governor?"

The yeas and nays were taken and resulted – yeas 62, nays 35, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|-------------|----------|---------------|------------|
| Abrams | Baldrige | Bird | Brinkman |
| Callender | Carfagna | Carruthers | Click |
| Creech | Cross | Cutrona | Dean |
| Edwards | Ferguson | Fowler Arthur | Fraizer |
| Ghanbari | Ginter | Grendell | Gross |
| Hall | Hillyer | Holmes | Hoops |
| Householder | John | Johnson | Jones |
| Jordan | Kick | Koehler | Lampton |
| Lanese | LaRe | Lipps | Loychik |
| Manchester | Manning | McClain | Merrin |
| Oelslager | Patton | Pavliga | Plummer |
| Powell | Ray | Richardson | Riedel |
| Roemer | Schmidt | Seitz | Stein |
| Stephens | Stewart | Stoltzfus | Swearingen |
| Wiggam | Wilkin | Young, B. | Young, T. |

Zeltwanger

Cupp-62

Those who voted in the negative were: Representatives

| | | | |
|------------|--------------|------------|--------------|
| Blackshear | Boggs | Boyd | Brent |
| Brown | Crawley | Crossman | Denson |
| Galonski | Hicks-Hudson | Howse | Ingram |
| Jarrells | Kelly | Leland | Lepore-Hagan |
| Lightbody | Liston | Miller, J. | Miranda |
| O'Brien | Robinson | Russo | Sheehy |
| Skindell | Smith, K. | Smith, M. | Sobecki |
| Sweeney | Sykes | Troy | Upchurch |
| Weinstein | West | | White-35 |

The bill having received the required constitutional majority, passed notwithstanding the objections of the Governor.

On motion of Representative Ginter, the House recessed.

The House met pursuant to recess.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on March 24, 2021, signed the following:

S. B. No. 5-Senators Roegner, Blessing - et al.

On motion of Representative Lanese, the House adjourned until Thursday, March 25, 2021 at 9:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,
Clerk.