

OHIO

House

of

Representatives

JOURNAL

THURSDAY, APRIL 3, 2014

ONE HUNDRED FORTY-SECOND DAY
Hall of the House of Representatives, Columbus, Ohio
Thursday, April 3, 2014, 9:00 o'clock a.m.

The House met pursuant to adjournment.

Pursuant to House Rule No. 23, the Clerk called the House to order.

Representative Henne was selected to preside under the Rule.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 513-Representative Lynch.

Cosponsors: Representatives Adams, J., Becker, Boose, Brenner, Hood, Maag, Retherford, Thompson.

To enact section 2701.01 of the Revised Code to prohibit courts, administrative agencies, and arbitrators from applying foreign law to the detriment of constitutional rights under the United States and Ohio constitutions.

H. B. No. 514-Representative Letson.

To amend section 3505.04 of the Revised Code to place the office of chief justice of the supreme court and justice of the supreme court first and second, respectively, in order on the nonpartisan ballot.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Barnes submitted the following report:

The standing committee on Ways and Means to which was referred **H. B. No. 492**-Representative Scherer, having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: LEVY AND ADMINISTRATION OF TAXES

Representative McClain moved to amend the title as follows:

Add the names: "Amstutz, McClain."

Representative Scherer moved to amend as follows:

In line 16, after "5703.21," insert "5715.49, 5715.50,"; delete "5735.026, 5735.03, 5735.06,"

In line 17, delete "5735.09,"

In line 20, delete "section" and insert "sections 5703.212, 5736.041, and"

In line 1477, strike through "Providing" and insert " Unless otherwise provided by section 5703.212 of the Revised Code, providing"

Between lines 1537 and 1538, insert:

" **Sec. 5703.212.** The holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, the holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code may apply to the tax commissioner to keep confidential the street name and number of the business address associated with the license, permit, or account if the address is the same as the address of the primary residence of the license holder, permit holder, account holder, or any owner or shareholder thereof. Within thirty days after receiving an application, the commissioner shall review the application and make a determination of whether the applicant meets the criteria prescribed by this section.

The exclusions respecting the divulgence of information under division (C)(7) of section 5703.21, division (B) of section 5715.49, and division (B)(2) of section 5715.50 of the Revised Code, shall not apply to the street name and number of the business address of the applicant from the date the commissioner receives the application until the date the commissioner makes a determination with respect to the application and, if the commissioner determines that the applicant meets the criteria prescribed by this section, thereafter. The exclusions shall continue to apply to the business name, city, state, zip code, and all other elements of the applicant's business address.

Sec. 5715.49. (A) Except as provided in division (B) of this section, no former or present county auditor or member of a county board of revision shall divulge, except in the performance of official duties or upon the order of the department of taxation, or when called upon to testify in any court or proceeding, any information acquired in the exercise of the powers vested by the laws relating to taxation, or while claiming to exercise any such powers, as to the transactions, property, or business of any person, company, firm, corporation, association, or partnership. Whoever violates this section shall thereafter be disqualified from acting in any official capacity in connection with the assessment or collection of taxes or recoupment charges.

(B) Division (A) of this section does not prohibit a county auditor from divulging the name and business address of a vendor, a vendor's license number, or information regarding the active or inactive status of a vendor's license issued by the county auditor pursuant to section 5739.17 of the Revised Code unless

otherwise provided by section 5703.212 of the Revised Code.

Sec. 5715.50. (A) Except as provided in division (B) of this section, no former or present expert, clerk, or employee of a county auditor, county board of revision, or the tax commissioner, and no former or present deputy, assistant, or agent of the tax commissioner shall divulge, except in the performance of official duties or in any report to the county auditor, the county board of revision, or the tax commissioner, or when called upon to testify in any court or proceeding, any information acquired in the exercise of the powers vested therein by any law, or while claiming to exercise such powers, as to the transactions, property, or business of any person, company, firm, corporation, association, or partnership. Whoever violates this section shall thereafter be disqualified from acting in any official capacity in connection with the assessment or collection of taxes or recoupment charges.

(B) Division (A) of this section does not prohibit the divulgence of:

(1) The name and address of the statutory agent in this state and the names of officers and directors of any corporation;

(2) ~~The~~ Unless otherwise provided by section 5703.212 of the Revised Code, the name and business address of a vendor, vendor's license number, or information regarding the active or inactive status of a vendor's license issued by the county auditor pursuant to section 5739.17 of the Revised Code."

Delete lines 1968 through 1981

In line 1982, delete "(EE)" and insert "(CC)"

Delete lines 1985 through 2238

Delete lines 2336 through 2360

Between lines 2617 and 2618, insert:

" Sec. 5736.041. Each month, the tax commissioner shall prepare a list of suppliers holding a license issued under section 5736.06 of the Revised Code that has not been revoked or canceled under section 5736.07 of the Revised Code. The list shall contain the names and addresses of all such suppliers and each supplier's account number for the tax imposed under section 5736.02 of the Revised Code. The list shall be open to public inspection in the office of the commissioner. The commissioner may post the list on the department of taxation's web site."

In line 3248, delete "commissioner"; strike through "or an agent of the"

In line 3251, delete "commissioner"; strike through "or an agent of the"

In line 3306, strike through "All" and insert "The tax commissioner shall sell all"

In line 3307, strike through ", when procured by the tax commissioner,"; delete "may"

In line 3308, strike through "be"; strike through "delivered to"; delete "an agent"; strike through "of"; delete "the"

In line 3309, delete "commissioner"; strike through the balance of the line

Strike through line 3310

In line 3311, strike through the first "the"; delete "agent" and strike through the balance of the line

Strike through lines 3312 through 3314

In line 3315, delete "An agent"; strike through "of"; delete "the commissioner who receives"

In line 3316, delete "stamps under this section"; strike through "shall sell the stamps"

In line 3322, strike through ", and deliver"

In line 3323, strike through "it to the commissioner."; delete "Such an agent"; strike through "of"; delete "the"

In line 3324, delete "commissioner" and strike through the balance of the line

In line 3325, strike through "unsold"; strike through "and accounted for"

In line 4650, after "5703.21," insert "5715.49, 5715.50,"; delete "5735.026, 5735.03,"

In line 4651, delete "5735.06,"; delete "5735.09,"

In line 4661, after "4." insert "The amendment or enactment by this act of sections 122.17, 122.171, and 5736.50 of the Revised Code, except for the amendment to division (A) of section 122.17 of the Revised Code, applies to tax periods beginning on or after July 1, 2014.

Section 5."

In line 3 of the title, after "5703.21," insert "5715.49, 5715.50,"

In line 4 of the title, delete "5735.026, 5735.03, 5735.06,"

In line 5 of the title, delete "5735.09,"

In line 9 of the title, delete "section" and insert "sections 5703.212, 5736.041, and"

The motion was agreed to and the bill so amended.

JEFF MCCLAIN
TOM LETSON
RON AMSTUTZ
JOHN BARNES

GARY K. SCHERER
JOHN ADAMS
NAN BAKER
PETER BECK

JOHN BECKER
MIKE FOLEY
BRIAN HILL
JOHN M. ROGERS
STEPHEN SLESNICK
LOUIS TERHAR

JACK CERA
DOUG GREEN
BILL PATMON
KIRK SCHURING
GERALD L. STEBELTON
ROLAND WINBURN

The report was agreed to.

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

Representative Stinziano submitted the following report:

The standing committee on Judiciary to which was referred **H. B. No. 464**-Representatives Letson, Huffman, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: NATIONAL SKI PATROL SYSTEM-EMERGENCY
CARE-IMMUNITY FROM CIVIL LIABILITY

Representative Letson moved to amend as follows:

In line 11, after the underlined comma delete the balance of the line

In line 12, delete "emergency."

In line 15, after "system" delete the balance of the line

In line 16, delete everything before the underlined period

The motion was agreed to and the bill so amended.

JIM BUTLER
MICHAEL STINZIANO
MARGARET CONDITT
BILL HAYES
PETER STAUTBERG
ROLAND WINBURN

DOROTHY PELANDA
NICHOLAS J. CELEBREZZE
MIKE FOLEY
TOM LETSON
GERALD L. STEBELTON

The report was agreed to.

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

Representative Fedor submitted the following report:

The standing committee on Education to which was referred **H. B. No. 487**-Representative Brenner, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: K-12 EDUCATION

GERALD L. STEBELTON
JOHN BECKER
BILL HAYES
TONY BURKLEY
MARILYN SLABY
ANDY THOMPSON
JOHN PATTERSON

ANDREW BRENNER
TIMOTHY DERICKSON
MICHAEL HENNE
STEPHANIE KUNZE
RYAN SMITH
HEATHER BISHOFF

The following members voted "NO"

TERESA FEDOR
DENISE DRIEHAUS
FRED STRAHORN

NICKIE J. ANTONIO
DEBBIE PHILLIPS

The report was agreed to.

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

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:

Sub. H. B. No. 315 -Representative Wachtmann

Cosponsors: Representatives Antonio, Bishoff, Adams, R., Amstutz, Anielski, Ashford, Baker, Barborak, Barnes, Beck, Blair, Blessing, Boose, Brown, Buchy, Burkley, Celebrezze, Cera, Conditt, Derickson, DeVitis, Driehaus, Duffey, Foley, Green, Grossman, Hackett, Hagan, R., Hall, Hayes, Henne, Hill, Huffman, Johnson, Kunze, Landis, Letson, Maag, McClain, Milkovich, O'Brien, Patmon, Patterson, Pelanda, Perales, Pillich, Ramos, Reece, Retherford, Rogers, Rosenberger, Ruhl, Sears, Sheehy, Slaby, Smith, Stautberg, Stebelton, Stinziano, Sykes, Thompson, Williams, Winburn, Young, Speaker Batchelder

To amend sections 3711.12 and 3719.41 and to enact sections 3711.13 and 3711.30 of the Revised Code to require reports to the Department of Health regarding newborns diagnosed as opioid dependent, to update the chemical name for a type of controlled substance, and to specify procedures for granting variances or waivers of any requirement in the rules governing operation of maternity homes.

Attest:

Vincent L. Keeran,
Clerk.

Message from the Senate

Mr. Speaker:

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

Sub. S. B. No. 6 -Senator Schaffer

Cosponsors: Senators Jordan, LaRose, Smith, Brown, Uecker, Lehner, Widener, Tavares, Skindell, Beagle, Coley, Eklund, Hughes, Jones, Obhof, Oelslager, Peterson, Sawyer, Turner

To amend sections 305.03, 319.04, 319.26, 321.37, 321.46, 507.02, 2921.13, 2921.44, and 3314.023; to enact sections 117.45, 507.12, 507.13, 733.78, 733.81, 3313.30, 3314.50, 3326.211, 3328.16, and 3328.37; and to repeal sections 319.25 and 321.38 of the Revised Code; to amend Section 267.50.70 of Am. Sub. H.B. 153 of the 129th General Assembly; and to amend Section 267.50.70 of Am. Sub. H.B. 153 of the 129th General Assembly for the purpose of codifying it as section 3314.51 of the Revised Code to establish initial education programs and continuing education requirements for the fiscal officers of townships and municipal corporations, to establish procedures for removing those officers, county treasurers, and county auditors from office, and to create fiscal accountability requirements for counties, townships, municipal corporations, and public schools.

Sub. S. B. No. 78 -Senator Hughes

Cosponsors: Senators Brown, Bacon, Burke, Eklund, Gentile, Patton, Peterson, Sawyer, Schiavoni

To amend sections 4740.01, 4740.02, 4740.04, 4740.05, 4740.06, 4740.07, 4740.08, 4740.09, 4740.13, and 4740.16, to enact new section 4740.10 and section 4740.131, and to repeal section 4740.10 of the Revised Code to make changes to the law regulating specialty construction contractors.

Sub. S. B. No. 278-Senators Jones, Tavares

Cosponsors: Senators Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Coley, Eklund, Faber, Gentile, Hite, Hughes, Jordan, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Skindell, Smith, Turner, Uecker, Widener

To amend section 313.121 of the Revised Code to require the completion of a sudden unexplained infant death investigation reporting form (SUIDI reporting form) developed by the United States Centers for Disease Control

and Prevention, or an alternative reporting form developed by the Director of Health, whenever a child one year of age or younger dies suddenly and unexpectedly and to require that the appropriate child fatality review board receive a copy of each completed form.

Attest:

Vincent L. Keeran,
Clerk.

Said bills were considered the first time.

MESSAGE FROM THE SPEAKER

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following changes to the Ways and Means Committee:

Remove Representative Barnes; appoint Representative Driehaus.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on April 3, 2014, signed the following:

Sub. H.B. No. 206 - Representative Retherford - et al.

Sub. H.B. No. 232 - Representatives Sears, Milkovich - et al.

Sub. H.B. No. 315 - Representative Wachtmann - et al.

Sub. S.B. No. 173 - Senator Hughes - et al.

Am. S.B. No. 179 - Senator Eklund - et al.

S.B. No. 185 - Senator Faber - et al.

On motion of Representative Smith, the House adjourned until Tuesday, April 8, 2014 at 9:00 o'clock a.m.

Attest:

KATHRYN E. STEVELINE,
Journal Clerk.