

OHIO

House

of

Representatives

JOURNAL

THURSDAY, NOVEMBER 20, 2014

TWO HUNDRED SIXTH DAY
Hall of the House of Representatives, Columbus, Ohio
Thursday, November 20, 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 Blessing was selected to preside under the Rule.

The journal of yesterday was read and approved.

Representative Pelanda moved that the House advance to the fifth order of business, being reports of standing and select committees and bills for second consideration.

The motion was agreed to.

**REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS
FOR SECOND CONSIDERATION**

Representative Gerberry submitted the following report:

The standing committee on Policy and Legislative Oversight to which was referred **H. B. No. 663**-Representatives Buchy, Huffman, having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

RE: EXECUTION BY LETHAL INJECTION-PARTICIPANT
CONFIDENTIALITY/IMMUNITY/DRUG SUPPLY-ENSURE

Representative Huffman moved to amend as follows:

In line 114, delete " relate in any manner to the"

In line 115, delete " execution of a sentence of death and that"

In line 116, after " under" insert " divisions (B) and (C) of"

In line 884, delete " relate in any manner to the"

In line 885, delete " execution of a sentence of death and that"

In line 886, after " under" insert " divisions (B) and (C) of"

The motion was agreed to and the bill so amended.

Representative Huffman moved to amend as follows:

In line 15, delete "and" and insert a comma; after "2949.222" insert ", and 2949.223"

In line 714, after " process" insert " , except as described in section

2949.223 of the Revised Code"

In line 717, after " entity" insert " , except as described in section 2949.223 of the Revised Code"

Between lines 782 and 783, insert:

" **Sec. 2949.223.** (A) As used in this section, "seal a record" means to remove a record from the main file of similar records and to secure it in a separate file that contains only sealed records accessible only to the court.

(B) The court promptly shall order the immediate sealing of records pertaining to information that identifies or may reasonably lead to the identification of a person described in division (B) or (C) of section 2949.222 of the Revised Code whenever the records come into the court's possession.

(C) If a record containing information that identifies or may reasonably lead to the identification of a person described in division (B) or (C) of section 2949.222 of the Revised Code is subpoenaed or requested by a court order, the director of rehabilitation and correction shall provide the record. If the court determines that the record is necessary for just adjudication, the court shall order the director to appear at a private hearing with a copy of the record and any other relevant evidence. The information is not otherwise subject to disclosure unless the court, through clear and convincing evidence presented in the private hearing, finds that the person whose identity is protected appears to have acted unlawfully with respect to the person's involvement in the administration of a lethal injection as contemplated by the first paragraph of division (B) and by division (C)(1) of section 2949.222 of the Revised Code."

In line 2 of the title, delete "and" and insert a comma; after "2949.222" insert ", and 2949.223"

The motion was agreed to and the bill so amended.

Representative Huffman moved to amend as follows:

In line 726, delete " regarding information and"

Delete line 727

In line 728, delete " section"

In line 737, after " (D)" insert:

" The protections and limitations specified in divisions (B)(1), (2), and (3) of this section regarding information and records that identify or may reasonably lead to the identification of a person described in divisions (B) or (C) of this section are rights that shall be recognized as follows:

(1) With respect to a person that is an individual, without any requirement for the person to take any action or specifically apply for recognition of such rights.

(2) With respect to a person that is not an individual, the rights do not exist unless the person requests to have the rights recognized by applying to the director of rehabilitation and correction.

The director of rehabilitation and correction by rule shall establish the procedure according to which a person who is not an individual may apply in writing for the rights described in divisions (B)(1), (2), and (3) of this section. The director shall approve an application that is submitted in compliance with the rules. A person whose application is approved is entitled to the rights for twenty years after the person ceases the qualifying activity as contemplated by the first paragraph of division (B) of this section. The director shall notify any person, who is not an individual and who is entitled to the rights, of the application procedures.

(E)"

In line 751, delete " (E)" and insert " (F)"

In line 763, delete " (F)" and insert " (G)"

In line 781, delete " (F)" and insert " (G)"

The motion was agreed to and the bill so amended.

MIKE DOVILLA
RON GERBERRY
ANDREW BRENNER
DOROTHY PELANDA
MICHAEL F. CURTIN

JIM BUCHY
LOUIS W. BLESSING
MATT HUFFMAN
RICK PERALES

The following members voted "NO"

KATHLEEN CLYDE
VERNON SYKES

MATT LUNDY

The report was agreed to.

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

MESSAGE FROM THE SPEAKER

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following changes to the standing committee on Rules and Reference:

Remove Representative Hackett; appoint Representative Blessing.

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. 465 -Representative Johnson

Cosponsors: Representatives Wachtmann, Antonio, Barnes, Brown, Carney, Hill, Hagan, R., Hottinger, Schuring, Sears, Smith, Anielski, Ashford, Baker, Barborak, Beck, Blair, Blessing, Boose, Boyce, Brenner, Buchy, Burkley, Butler, Celebrezze, Conditt, Derickson, DeVitis, Driehaus, Foley, Green, Grossman, Hackett, Hagan, C., Hall, Hayes, Letson, McClain, McGregor, Milkovich, Patterson, Pelanda, Perales, Phillips, Pillich, Ramos, Retherford, Rogers, Romanchuk, Rosenberger, Ruhl, Slaby, Sprague, Stinziano, Strahorn, Terhar, Thompson, Young, Speaker Batchelder Senators Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Coley, Eklund, Faber, Gardner, Gentile, Hite, Hughes, Jones, Kearney, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Skindell, Smith, Tavares, Turner, Uecker

To enact section 5.25 of the Revised Code to designate the first week of July as "Neonatal Abstinence Syndrome Awareness Week."

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:

S. B. No. 241 -Senator Sawyer

Cosponsors: Senators Seitz, Lehner, Kearney, Skindell, Tavares, Turner, Schiavoni, Brown, Balderson, Beagle, Gardner, Gentile, Hite, LaRose, Manning, Obhof, Smith, Uecker, Widener

To amend Section 263.325 of Am. Sub. H.B. 59 of the 130th General Assembly to modify the membership structure of the Straight A Program Governing Board.

Sub. S. B. No. 342-Senator Seitz

Cosponsors: Senators Eklund, Faber, Jones, Jordan, Kearney, Patton, Schaffer, Tavares, Uecker

To amend sections 1901.20, 1907.02, and 4511.094; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 4511.093 (4511.043); to enact sections 3937.411, 4511.095, 4511.096, 4511.097, 4511.098, 4511.099, 4511.0910, 4511.0911, 4511.0912, and 4511.0913; to enact new sections 4511.092 and 4511.093; and to repeal section 4511.092 of the Revised Code to establish conditions for the use by local authorities of traffic law photo-monitoring devices to detect certain traffic law violations.

Attest:

Vincent L. Keeran,
Clerk.

Said bills were considered the first time.

Representative Pelanda moved that the House revert to the second order of business, being introduction of bills.

The motion was agreed to.

On motion of Representative Pelanda, the House recessed.

The House met pursuant to recess.

Prayer was offered by Pastor Larry Macon of the Mount Zion Church in Oakwood Village, Ohio, followed by the Pledge of Allegiance to the Flag.

The following guests of the House of Representatives were recognized by Speaker Batchelder prior to the commencement of business:

Larry Macon, Sr., a guest of Representative Anielski-6th district.

Dan Kelley, Tammy Kisor, and Shawn and Melissa Sweet, guests of Representative Rosenberger-91st district.

**REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS
FOR SECOND CONSIDERATION**

Representative Antonio submitted the following report:

The standing committee on Health and Aging to which was referred **H. B. No. 248**-Representatives Hagan, C., Wachtmann, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: UNBORN CHILD-HEARTBEAT DETECTABLE-NO
ABORTION/PROMOTE/SUPPORT ADOPTION

LYNN R. WACHTMANN	MARGARET CONDITT
CHRISTINA HAGAN	BRIAN HILL
TERRY JOHNSON	RON MAAG
KRISTINA ROEGNER	MARGARET RUHL
KIRK SCHURING	RYAN SMITH
ROBERT COLE SPRAGUE	

The following members voted "NO"

NICKIE J. ANTONIO	JOHN BARNES
MICHAEL F. CURTIN	JOHN PATRICK CARNEY
ROBERT F. HAGAN	DALE MALLORY
DAN RAMOS	

The report was agreed to.

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

Representative Ashford reported for the Rules and Reference committee, recommending that the following Senate Bill be considered for the second time and referred to the following committee for consideration:

Sub. S.B. 342 Senator Seitz
TO ESTABLISH CONDITIONS FOR THE USE BY LOCAL
AUTHORITIES OF TRAFFIC LAW PHOTO-MONITORING DEVICES TO
DETECT CERTAIN TRAFFIC LAW VIOLATIONS.
To the committee on Policy and Legislative Oversight

MATT HUFFMAN	BILL HAYES
ANDREW BRENNER	JIM BUCHY
DOROTHY PELANDA	LOUIS W. BLESSING
MIKE ASHFORD	

Representative Huffman 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 the Senate Bill contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said Senate Bill was considered the second time and referred as recommended.

MOTIONS AND RESOLUTIONS

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

H.R. No. 530 – Representative Grossman
Honoring the Central Crossing High School Naval Junior ROTC program on participating in the 2014 Pearl Harbor Memorial Parade.

H.R. No. 531 – Representative Landis
Honoring the Dover High School girls golf team on winning the 2014 Division II State Championship.

/s/MATT HUFFMAN
Matt Huffman, Chair

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

The motion was agreed to.

Representative Grossman moved that majority party members asking leave to be absent or absent the week of Wednesday, November 19, 2014, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Ashford moved that minority party members asking leave to be absent or absent the week of Wednesday, November 19, 2014, 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

Am. H. B. No. 594-Representatives Gerberry, Buchy.

To amend sections 4301.62 and 4303.182 and to enact section 4301.71 of the Revised Code to prohibit the sale or offering for sale for human consumption of powdered or crystalline alcohol, to allow a person to possess beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder that is located in the market, and to require the D-6 liquor permit to be issued to a specified D liquor permit holder that is located in a state park that has a working farm on the state park's property, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Buchy moved to amend as follows:

In line 169, after " (B)" insert " Division (A) of this section does not apply to any of the following:

(1) Any substance regulated by the food and drug administration in the United States department of health and human services that is not either of the following:

(a) Beer or intoxicating liquor; or

(b) A compound that could be converted into beer or intoxicating liquor.

(2) A medication that requires a prescription;

(3) An over-the-counter medication.

(C)"; delete " , "powdered" and insert " :

(1) "Powdered"

Between lines 171 and 172, insert:

" (2) "Prescription" has the same meaning as in section 4729.01 of the Revised Code.

(3) "Over-the-counter medication" means medication that may be legally sold and purchased without a prescription."

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

The yeas and nays were taken and resulted - yeas 92, nays 0, as follows:

Those who voted in the affirmative were: Representatives

- | | | | |
|-----------|------------|-------------|-----------|
| Adams, J | Adams, R | Amstutz | Anielski |
| Antonio | Ashford | Baker | Barborak |
| Barnes | Beck | Becker | Blessing |
| Boose | Boyce | Brenner | Brown |
| Buchy | Budish | Burkley | Butler |
| Carney | Celebrezze | Cera | Clyde |
| Conditt | Curtin | Damschroder | DeVitis |
| Derickson | Dovilla | Driehaus | Duffey |
| Fedor | Foley | Gerberry | Gonzales |
| Green | Grossman | Hagan, C | Hagan, R |
| Hall | Hayes | Hill | Hood |
| Huffman | Johnson | Kunze | Landis |
| Letson | Lundy | Lynch | Maag |
| Mallory | McClain | McGregor | Milkovich |
| O'Brien | Patmon | Patterson | Pelanda |
| Perales | Phillips | Pillich | Ramos |
| Redfern | Reece | Retherford | Roegner |
| Rogers | Romanchuk | Rosenberger | Ruhl |
| Scherer | Schuring | Sears | Sheehy |
| Slaby | Slesnick | Smith | Sprague |

Stautberg	Stebelton	Stinziano	Strahorn
Sykes	Terhar	Thompson	Wachtmann
Williams	Winburn	Young	Batchelder-92.

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 91, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams, J	Adams, R	Amstutz	Anielski
Antonio	Ashford	Baker	Barborak
Barnes	Beck	Becker	Blessing
Boose	Boyce	Brenner	Brown
Buchy	Budish	Burkley	Butler
Carney	Celebrezze	Cera	Clyde
Conditt	Curtin	Damschroder	DeVitis
Derickson	Dovilla	Driehaus	Duffey
Fedor	Foley	Gerberry	Gonzales
Green	Grossman	Hagan, C	Hagan, R
Hall	Hayes	Hill	Hood
Huffman	Johnson	Kunze	Landis
Letson	Lundy	Lynch	Maag
Mallory	McClain	McGregor	Milkovich
O'Brien	Patmon	Patterson	Pelanda
Perales	Phillips	Pillich	Redfern
Reece	Retherford	Roegner	Rogers
Romanchuk	Rosenberger	Ruhl	Scherer
Schuring	Sears	Sheehy	Slaby
Slesnick	Smith	Sprague	Stautberg
Stebelton	Stinziano	Strahorn	Sykes
Terhar	Thompson	Wachtmann	Williams
Winburn	Young		Batchelder-91.

The bill passed.

Representative Buchy moved to amend the title as follows:

Add the names: "Adams, R., Amstutz, Anielski, Antonio, Baker, Boyce, Driehaus, Duffey, Grossman, Hayes, Huffman, Letson, Mallory, McGregor, Milkovich, Patmon, Pelanda, Reece, Rogers, Sears, Sheehy, Slaby, Smith, Stinziano, Strahorn, Young, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 425-Representative Rosenberger.

Cosponsors: Representatives Green, Grossman, Boose, Hackett, Duffey, Gerberry, Stebelton, Ruhl, Ramos, Perales, Barborak, Mallory, Pillich, Derickson, Strahorn, Reece, Scherer, Lundy, Maag, Sprague, Damschroder, Celebrezze, DeVitis, Hagan, R., Milkovich, Patmon.

To enact section 5533.053 of the Revised Code to designate a portion of United States Route 23, within Pike County only, as the "Captain Everett 'Butch' Keaton, Vietnam, SSM and BSM with OLC PH, Memorial Highway", 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 0, as follows:

Those who voted in the affirmative were: Representatives

Adams, J	Adams, R	Amstutz	Anielski
Antonio	Ashford	Baker	Barborak
Barnes	Beck	Becker	Blessing
Boose	Boyce	Brenner	Brown
Buchy	Budish	Burkley	Butler
Carney	Celebrezze	Cera	Clyde
Conditt	Curtin	Damschroder	DeVitis
Derickson	Dovilla	Driehaus	Duffey
Fedor	Foley	Gerberry	Gonzales
Green	Grossman	Hagan, C	Hagan, R
Hall	Hayes	Hill	Hood
Huffman	Johnson	Kunze	Landis
Letson	Lundy	Lynch	Maag
Mallory	McClain	McGregor	Milkovich
O'Brien	Patmon	Patterson	Pelanda
Perales	Phillips	Pillich	Ramos
Redfern	Reece	Retherford	Roegner
Rogers	Romanchuk	Rosenberger	Ruhl
Scherer	Schuring	Sears	Sheehy
Slaby	Slesnick	Smith	Sprague
Stautberg	Stebelton	Stinziano	Strahorn
Sykes	Terhar	Thompson	Wachtmann
Williams	Winburn	Young	Batchelder-92.

The bill passed.

Representative Rosenberger moved to amend the title as follows:

Add the names: "Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blessing, Boyce, Brenner, Brown, Buchy, Budish, Burkley, Butler, Clyde, Curtin, Dovilla, Driehaus, Fedor, Foley, Hagan, C., Hall, Hayes, Hill, Hood, Huffman, Johnson, Landis, Letson, Lynch, McClain, McGregor, Patterson, Pelanda, Phillips, Redfern, Roegner, Rogers,

Romanchuk, Sears, Sheehy, Slaby, Slesnick, Smith, Stautberg, Stinziano, Terhar, Thompson, Wachtmann, Williams, Young, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 228-Representative Brenner.

To amend sections 3301.0710 and 3301.0715 and to enact section 3301.132 of the Revised Code, and to amend Section 10 of Am. Sub. H.B. 487 of the 130th General Assembly with regard to the administration of state primary and secondary education assessments and to reform the system of funding elementary and secondary education, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Brenner moved that Representative Gonzales stand as a joint sponsor of **Sub. H.B. No. 228**-Representative Brenner.

The motion was agreed to without objection.

The question being, "Shall the bill pass?"

Representative Brenner moved to amend as follows:

In line 9, delete "section" and insert "sections"; after "3301.132" insert "and 3313.903"

Between lines 237 and 238, insert:

" **Sec. 3313.903.** Except as otherwise required under federal law, the department of education shall consider an industry-recognized credential, as described under division (B)(2)(d) of section 3302.03 of the Revised Code, or a license issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license as an acceptable measure of technical skill attainment and shall not require a student with such credential or license to take additional technical assessments."

In line 2 of the title, delete "section" and insert "sections"; after "3301.132" insert "and 3313.903"

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

The yeas and nays were taken and resulted - yeas 92, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams, J	Adams, R	Amstutz	Anielski
Antonio	Ashford	Baker	Barborak
Barnes	Beck	Becker	Blessing
Boose	Boyce	Brenner	Brown
Buchy	Budish	Burkley	Butler
Carney	Celebrezze	Cera	Clyde
Conditt	Curtin	Damschroder	DeVitis

Derickson	Dovilla	Driehaus	Duffey
Fedor	Foley	Gerberry	Gonzales
Green	Grossman	Hagan, C	Hagan, R
Hall	Hayes	Hill	Hood
Huffman	Johnson	Kunze	Landis
Letson	Lundy	Lynch	Maag
Mallory	McClain	McGregor	Milkovich
O'Brien	Patmon	Patterson	Pelanda
Perales	Phillips	Pillich	Ramos
Redfern	Reece	Retherford	Roegner
Rogers	Romanchuk	Rosenberger	Ruhl
Scherer	Schuring	Sears	Sheehy
Slaby	Slesnick	Smith	Sprague
Stautberg	Stebelton	Stinziano	Strahorn
Sykes	Terhar	Thompson	Wachtmann
Williams	Winburn	Young	Batchelder-92.

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 88, nays 4, as follows:

Those who voted in the affirmative were: Representatives

Adams, J	Adams, R	Amstutz	Anielski
Antonio	Ashford	Baker	Barborak
Barnes	Beck	Becker	Blessing
Boose	Boyce	Brenner	Brown
Buchy	Budish	Burkley	Carney
Celebrezze	Cera	Clyde	Conditt
Curtin	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Duffey	Fedor
Foley	Gerberry	Gonzales	Green
Grossman	Hagan, C	Hagan, R	Hall
Hayes	Hill	Hood	Huffman
Johnson	Kunze	Landis	Letson
Lundy	Lynch	Maag	Mallory
McClain	McGregor	Milkovich	O'Brien
Patmon	Patterson	Pelanda	Perales
Phillips	Pillich	Ramos	Redfern
Reece	Retherford	Roegner	Rogers
Romanchuk	Rosenberger	Ruhl	Scherer
Schuring	Sears	Sheehy	Slaby
Slesnick	Sprague	Stautberg	Stebelton
Stinziano	Strahorn	Sykes	Wachtmann
Williams	Winburn	Young	Batchelder-88.

Representatives Butler, Smith, Terhar, and Thompson voted in the negative-4.

The bill passed.

Representative Brenner moved to amend the title as follows:

Add the names: "Beck, Boose, Burkley, Derickson, Duffey, Fedor, Green, Grossman, Hayes, Kunze, Letson, Patterson, Pelanda, Perales, Phillips, Rogers, Ruhl, Schuring, Sheehy, Slaby, Stebelton, Young, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 276—Representative Stautberg.

Cosponsors: Representatives Becker, Blair, Blessing, Hackett, Hottinger, Johnson, Scherer, Sears, Smith.

To amend section 2317.43 and to enact sections 2317.44 and 2317.45 of the Revised Code to provide that certain statements and communications made regarding an unanticipated outcome of medical care, the development or implementation of standards under certain federal laws, and an insurer's reimbursement policies and determination regarding health care services are inadmissible as evidence in a medical claim, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 60, nays 32, as follows:

Those who voted in the affirmative were: Representatives

Adams, J	Adams, R	Amstutz	Anielski
Beck	Becker	Blessing	Boose
Brenner	Brown	Buchy	Burkley
Butler	Celebrezze	Cera	Conditt
Curtin	Damschroder	DeVitis	Derickson
Dovilla	Duffey	Gonzales	Green
Grossman	Hagan, C	Hall	Hayes
Hill	Hood	Huffman	Johnson
Kunze	Landis	Lynch	Maag
Mallory	McClain	McGregor	Pelanda
Perales	Retherford	Roegner	Romanchuk
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby	Slesnick	Smith
Sprague	Stautberg	Stebelton	Stinziano
Terhar	Thompson	Wachtmann	Batchelder-60.

Those who voted in the negative were: Representatives

Antonio	Ashford	Baker	Barborak
Barnes	Boyce	Budish	Carney
Clyde	Driehaus	Fedor	Foley
Gerberry	Hagan, R	Letson	Lundy
Milkovich	O'Brien	Patmon	Patterson
Phillips	Pillich	Ramos	Redfern
Reece	Rogers	Sheehy	Strahorn
Sykes	Williams	Winburn	Young-32.

The bill passed.

Representative Stautberg moved to amend the title as follows:

Add the names: "Buchy, Butler, Green, Maag, Pelanda, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 324—Representatives Duffey, Hagan, C.

Cosponsors: Representatives Amstutz, Blair, Butler, Henne, Landis, Roegner, Schuring, Sears, Terhar, Bishoff, Hackett, Young, Brown.

To amend section 149.43 and to enact sections 117.432, 149.60, 149.62, and 149.65 of the Revised Code to create the DataOhio Board, to specify requirements for posting public records online, to require the Auditor of State to adopt rules regarding a uniform accounting system for public offices, to establish an online catalog of public data at data.Ohio.gov, to establish the Local Government Information Exchange Grant Program, and to amend the version of section 149.43 of the Revised Code that is scheduled to take effect on March 20, 2015, to continue the provisions of this act on and after that effective date, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Lundy moved to amend as follows:

In line 14, delete "section" and insert "sections"; after "149.43" insert "and 187.04"

In line 17, after "(A)" insert "As used in this section, "public office" includes any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government. "Public office" includes the nonprofit corporation formed under section 187.01 of the Revised Code.

(B)"

In line 25, delete "(B)" and insert "(C)"

In line 33, delete "(C)" and insert "(D)"

In line 139, strike the semicolon

Strike through lines 140 and 141

In line 142, strike through everything before the period

Between lines 318 and 319, insert:

"(13) "Public office" includes any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of

government. "Public office" includes the nonprofit corporation formed under section 187.01 of the Revised Code."

Between lines 710 and 711, insert:

" (4) "Public office" includes any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government. "Public office" includes the nonprofit corporation formed under section 187.01 of the Revised Code."

In line 833, after " **149.65.**" insert " (A)"; delete " , "public" and insert " ;

"Public office" includes any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government. "Public office" includes the nonprofit corporation formed under section 187.01 of the Revised Code.

"Public"

In line 835, before " The" insert " (B)"

In line 845, before " The" insert " (C)"

In line 848, before " The" insert " (D)"

In line 852, before " The" insert " (E)"

Between lines 859 and 860, insert:

"Sec. 187.04. (A) The director of development services, as soon as practical after February 18, 2011, shall execute a contract with JobsOhio for the corporation to assist the director and the development services agency with providing services or otherwise carrying out the functions or duties of the agency, including the operation and management of programs, offices, divisions, or boards, as may be determined by the director in consultation with the governor. The approval or disapproval of awards involving public money shall remain functions of the agency. All contracts for grants, loans, and tax incentives involving public money shall be between the agency and the recipient and shall be enforced by the agency. JobsOhio may not execute contracts obligating the agency for loans, grants, tax credits, or incentive awards recommended by JobsOhio to the agency. Prior to execution, all contracts between the director and JobsOhio entered into under this section that obligate the agency to pay JobsOhio for services rendered are subject to controlling board approval.

The term of an initial contract entered into under this section shall not extend beyond June 30, 2013. Thereafter, the director and JobsOhio may renew the contract for subsequent fiscal biennia, but at no time shall a particular contract be effective for longer than a fiscal biennium of the general assembly.

JobsOhio's provision of services to the agency as described in this section shall be pursuant to a contract entered into under this section. If at any time the

director determines that the contract with JobsOhio may not be renewed for the subsequent fiscal biennium, the director shall notify JobsOhio of the director's decision not later than one hundred twenty days prior to the end of the current fiscal biennium. If the director does not provide such written notice to JobsOhio prior to one hundred days before the end of the current fiscal biennium, the contract shall be renewed upon such terms as the parties may agree, subject to the requirements of this section.

(B) A contract entered into under this section shall include all of the following:

(1) Terms assigning to the corporation the duties of advising and assisting the director in the director's evaluation of the agency and the formulation of recommendations under section 187.05 of the Revised Code;

(2) Terms designating records created or received by JobsOhio that shall be made available to the public under the same conditions as are public records under section 149.43 of the Revised Code. Documents designated to be made available to the public pursuant to the contract shall be kept on file with the agency.

Among records to be designated under this division shall be the following:

(a) The corporation's federal income tax returns;

(b) The report of expenditures described in division (B)(3) of section 187.03 of the Revised Code. The records shall be filed with the agency at such times and frequency as agreed to by the corporation and the agency, which shall not be less frequently than quarterly.

(c) The annual total compensation paid to each officer and employee of the corporation;

(d) A copy of the report for each financial audit of the corporation and of each supplemental compliance and control review of the corporation performed by a firm of independent certified public accountants pursuant to division (J) of section 187.01 of the Revised Code.

(e) Records of any fully executed incentive proposals, to be filed annually;

(f) Records pertaining to the monitoring of commitments made by incentive recipients, to be filed annually;

(g) A copy of the minutes of all public meetings described in division (C) of section 187.03 of the Revised Code not otherwise closed to the public.

(3) The following statement acknowledging that JobsOhio is not acting as an agent of the state:

"JobsOhio shall have no power or authority to bind the state or to assume or create an obligation or responsibility, expressed or implied, on behalf of the

state or in its name, nor shall JobsOhio represent to any person that it has any such power or authority, except as expressly provided in this contract."

~~(C) (1) Records created by JobsOhio are not public records for the purposes of Chapter 149. of the Revised Code, regardless of who may have custody of the records, unless the record is designated to be available to the public by the contract under division (B)(2) of this section.~~

~~(2) Records received by JobsOhio from any person or entity that is not subject to section 149.43 of the Revised Code are not public records for purposes of Chapter 149. of the Revised Code, regardless of who may have custody of the records, unless the record is designated to be available to the public by the contract under division (B)(2) of this section.~~

~~(3) Records received by JobsOhio from a public office as defined in section 149.011 of the Revised Code that are not public records under section 149.43 of the Revised Code when in the custody of the public office are not public records for the purposes of section 149.43 of the Revised Code regardless of who has custody of the records.~~

(4) Division (B) of section 4701.19 of the Revised Code applies to any work papers of the firm of independent certified public accountants engaged to perform the annual financial audit and the supplemental compliance and control review described in division (J) of section 187.01 of the Revised Code, and to the financial audit report and any report of the supplemental compliance and control review, unless the record is designated to be available to the public by the contract under division (B)(2) of this section.

(D) Any contract executed under authority of this section shall not negate, impair, or otherwise adversely affect the obligation of this state to pay debt charges on securities executed by the director or issued by the treasurer of state, Ohio public facilities commission, or any other issuing authority under Chapter 122., 151., 165., or 166. of the Revised Code to fund economic development programs of the state, or to abide by any pledge or covenant relating to the payment of those debt charges made in any related proceedings. As used in this division, "debt charges," "proceedings," and "securities" have the same meanings as in section 133.01 of the Revised Code.

(E) Nothing in this section, other than the requirement of controlling board approval, shall prohibit the agency from contracting with JobsOhio to perform any of the following functions:

- (1) Promoting and advocating for the state;
- (2) Making recommendations to the agency;
- (3) Performing research for the agency;
- (4) Establishing and managing programs or offices on behalf of the agency, by contract;
- (5) Negotiating on behalf of the state.

(F) Nothing in this section, other than the requirement of controlling board approval, shall prohibit the agency from compensating JobsOhio from funds currently appropriated to the agency to perform the functions described in division (E) of this section."

In line 860, delete "section" and insert "sections"; after "149.43" insert "and 187.04"

In line 861, delete "is" and insert "are"

In line 957, strike the semicolon

Strike through lines 958 and 959

In line 960, strike through everything before the period

Between lines 1136 and 1137, insert:

" (13) "Public office" includes any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government. "Public office" includes the nonprofit corporation formed under section 187.01 of the Revised Code."

Between lines 1528 and 1529, insert:

" (4) "Public office" includes any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government. "Public office" includes the nonprofit corporation formed under section 187.01 of the Revised Code."

In line 1 of the title, delete "section" and insert "sections"; after "149.43" insert "and 187.04"

In line 9 of the title, after the comma insert "to modify which public offices are subject to the Public Records Act,"

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

Representative Sears 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 55, nays 37, as follows:

Those who voted in the affirmative were: Representatives

- | | | | |
|----------|-----------|----------|-------------|
| Adams, J | Adams, R | Amstutz | Anielski |
| Baker | Beck | Becker | Blessing |
| Boose | Brenner | Brown | Buchy |
| Burkley | Butler | Conditt | Damschroder |
| DeVitis | Derickson | Dovilla | Duffey |
| Gonzales | Green | Grossman | Hagan, C |
| Hall | Hayes | Hill | Hood |
| Huffman | Johnson | Kunze | Landis |
| Lynch | Maag | McClain | McGregor |

Pelanda	Perales	Retherford	Romanchuk
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby	Smith	Sprague
Stautberg	Stebelton	Terhar	Thompson
Wachtmann	Young		Batchelder-55.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Barnes
Boyce	Budish	Carney	Celebrezze
Cera	Clyde	Curtin	Driehaus
Fedor	Foley	Gerberry	Hagan, R
Letson	Lundy	Mallory	Milkovich
O'Brien	Patmon	Patterson	Phillips
Pillich	Ramos	Redfern	Reece
Roegner	Rogers	Sheehy	Slesnick
Stinziano	Strahorn	Sykes	Williams
			Winburn-37.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 92, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams, J	Adams, R	Amstutz	Anielski
Antonio	Ashford	Baker	Barborak
Barnes	Beck	Becker	Blessing
Boose	Boyce	Brenner	Brown
Buchy	Budish	Burkley	Butler
Carney	Celebrezze	Cera	Clyde
Conditt	Curtin	Damschroder	DeVitis
Derickson	Dovilla	Driehaus	Duffey
Fedor	Foley	Gerberry	Gonzales
Green	Grossman	Hagan, C	Hagan, R
Hall	Hayes	Hill	Hood
Huffman	Johnson	Kunze	Landis
Letson	Lundy	Lynch	Maag
Mallory	McClain	McGregor	Milkovich
O'Brien	Patmon	Patterson	Pelanda
Perales	Phillips	Pillich	Ramos
Redfern	Reece	Retherford	Roegner
Rogers	Romanchuk	Rosenberger	Ruhl
Scherer	Schuring	Sears	Sheehy
Slaby	Slesnick	Smith	Sprague
Stautberg	Stebelton	Stinziano	Strahorn
Sykes	Terhar	Thompson	Wachtmann
Williams	Winburn	Young	Batchelder-92.

The bill passed.

Representative Duffey moved to amend the title as follows:

Add the names: "Adams, R., Beck, Blessing, Brenner, Buchy, Burkley, Curtin, Damschroder, Derickson, DeVitis, Dovilla, Green, Hagan, R., Maag, McClain, McGregor, Patterson, Pelanda, Pillich, Redfern, Retherford, Ruhl, Scherer, Sheehy, Thompson, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. H. B. No. 663-Representatives Buchy, Huffman.

To amend section 149.43 and to enact sections 2949.221, 2949.222, and 2949.223 of the Revised Code to provide confidentiality and license protection for persons and entities involved in executing a sentence of capital punishment by lethal injection and to void as against public policy any agreement that prevents the supplying of any drug or drugs to be used in executing a sentence of capital punishment by lethal injection, and to amend the version of section 149.43 of the Revised Code that is scheduled to take effect on March 20, 2015, to continue the provisions of this act on and after that date, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Stinziano moved to amend as follows:

After the last line of the bill, insert:

"Section __. The Director of Rehabilitation and Correction shall review the final report and recommendations of the Joint Task Force to Review the Administration of Ohio's Death Penalty, dated April 2014. The Director shall prepare a draft of a bill to implement the recommendations contained in the report that require legislation, and promptly shall implement any recommendations that do not require legislation. The Director shall prepare a report of the recommendations that can be implemented, and shall attach a copy of the bill to the report. The Director shall transmit the report and bill to the General Assembly under section 101.68 of the Revised Code."

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

Representative Sears 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 53, nays 36, as follows:

Those who voted in the affirmative were: Representatives

- | | | | |
|-----------|---------|-------------|---------|
| Adams, R | Amstutz | Anielski | Baker |
| Beck | Becker | Blessing | Boose |
| Brenner | Brown | Buchy | Burkley |
| Butler | Conditt | Damschroder | DeVitis |
| Derickson | Dovilla | Gonzales | Green |

Grossman	Hagan, C	Hall	Hayes
Hill	Hood	Huffman	Kunze
Landis	Lynch	Maag	McClain
McGregor	Pelanda	Perales	Retherford
Roegner	Romanchuk	Rosenberger	Ruhl
Scherer	Schuring	Sears	Slaby
Smith	Sprague	Stautberg	Stebelton
Terhar	Thompson	Wachtmann	Young
			Batchelder-53.

Those who voted in the negative were: Representatives

Adams, J	Antonio	Ashford	Barborak
Barnes	Boyce	Budish	Carney
Celebrezze	Cera	Clyde	Curtin
Driehaus	Fedor	Foley	Gerberry
Hagan, R	Letson	Lundy	Mallory
Milkovich	O'Brien	Patmon	Patterson
Phillips	Pillich	Ramos	Redfern
Reece	Rogers	Sheehy	Stinziano
Strahorn	Sykes	Williams	Winburn-36.

The motion to amend was laid on the table.
The question recurring, "Shall the bill pass?"

November 20, 2014

The Honorable William G. Batchelder, Speaker
The Ohio House of Representatives
Columbus, Ohio
Speaker Batchelder,

Pursuant to House Rule No. 57, I respectfully request that I be excused from voting on **Am. H. B. No. 663**-Representatives Buchy, Huffman, because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ TERRY JOHNSON
TERRY JOHNSON
State Representative
90th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 62, nays 27, as follows:

Those who voted in the affirmative were: Representatives

Adams, R	Amstutz	Anielski	Baker
Barborak	Beck	Becker	Blessing
Boose	Brenner	Brown	Buchy
Burkley	Butler	Cera	Conditt
Curtin	Damschroder	DeVitis	Derickson
Dovilla	Gerberry	Gonzales	Green
Grossman	Hagan, C	Hall	Hayes
Hill	Hood	Huffman	Kunze
Landis	Lynch	Maag	Mallory
McClain	McGregor	O'Brien	Pelanda
Perales	Retherford	Roegner	Rogers
Romanchuk	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby	Smith
Sprague	Stautberg	Stebelton	Sykes
Terhar	Thompson	Wachtmann	Williams
Young			Batchelder-62.

Those who voted in the negative were: Representatives

Adams, J	Antonio	Ashford	Barnes
Boyce	Budish	Carney	Celebrezze
Clyde	Driehaus	Fedor	Foley
Hagan, R	Letson	Lundy	Milkovich
Patmon	Patterson	Phillips	Pillich
Ramos	Redfern	Reece	Sheehy
Stinziano	Strahorn		Winburn-27.

The bill passed.

Representative Buchy moved to amend the title as follows:

Add the names: "Brenner, Maag, Scherer, Wachtmann, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

S. B. No. 148-Senators Turner, Patton.

Cosponsors: Senators Obhof, Brown, Lehner, Uecker, Seitz, Kearney, LaRose, Hughes, Sawyer, Cafaro, Bacon, Balderson, Beagle, Burke, Coley, Eklund, Faber, Gardner, Gentile, Hite, Jones, Jordan, Manning, Oelslager, Peterson, Schaffer, Schiavoni, Skindell, Smith, Tavares, Widener. Representatives Damschroder, Ruhl, Celebrezze, Green.

To enact section 5533.324 of the Revised Code to designate a portion of Interstate 271 in Bedford Heights as the "Army Pvt. Brandon Sloan Memorial Highway", was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 91, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams, J	Adams, R	Amstutz	Anielski
Antonio	Ashford	Baker	Barborak
Barnes	Beck	Becker	Blessing
Boose	Boyce	Brenner	Brown
Buchy	Budish	Burkley	Butler
Carney	Celebrezze	Cera	Clyde
Conditt	Curtin	Damschroder	DeVitis
Derickson	Dovilla	Driehaus	Duffey
Fedor	Foley	Gerberry	Gonzales
Green	Grossman	Hagan, C	Hagan, R
Hall	Hayes	Hill	Hood
Huffman	Johnson	Kunze	Landis
Letson	Lundy	Lynch	Maag
Mallory	McClain	McGregor	Milkovich
O'Brien	Patmon	Patterson	Pelanda
Perales	Phillips	Pillich	Ramos
Redfern	Reece	Retherford	Roegner
Rogers	Romanchuk	Rosenberger	Ruhl
Scherer	Schuring	Sears	Sheehy
Slaby	Smith	Sprague	Stautberg
Stebelton	Stinziano	Strahorn	Sykes
Terhar	Thompson	Wachtmann	Williams
Winburn	Young		Batchelder-91.

The bill passed.

Representative Damschroder moved to amend the title as follows:

Add the names: "Adams, R., Anielski, Antonio, Ashford, Baker, Barborak, Barnes, Beck, Becker, Blessing, Boose, Boyce, Brenner, Brown, Buchy, Budish, Burkley, Butler, Carney, Clyde, Curtin, Derickson, DeVitis, Dovilla, Driehaus, Fedor, Foley, Gerberry, Grossman, Hagan, C., Hagan, R., Hall, Hayes, Hill, Hood, Huffman, Johnson, Landis, Lundy, Lynch, Mallory, McClain, McGregor, Milkovich, O'Brien, Patmon, Patterson, Pelanda, Perales, Phillips, Pillich, Redfern, Reece, Retherford, Roegner, Rogers, Romanchuk, Rosenberger, Sears, Sheehy, Slaby, Smith, Sprague, Stautberg, Stebelton, Stinziano, Strahorn, Terhar, Thompson, Wachtmann, Williams, Winburn, Young, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on November 20, 2014, signed the following:

Sub. H.B. No. 218 - Representatives Rosenberger, Dovilla - et al.

Am. H.B. No. 465 - Representative Johnson - et al.

On motion of Representative Huffman, the House adjourned until Tuesday, November 25, 2014 at 9:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,
Clerk.