

OHIO

House

of

Representatives

JOURNAL

TUESDAY, FEBRUARY 2, 2010

ONE HUNDRED THIRTY-SEVENTH DAY
Hall of the House of Representatives, Columbus, Ohio
Tuesday, February 2, 2010, 10:00 o'clock a.m.

The House met pursuant to adjournment.

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

Representative Book 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. 434-Representative Yuko.

Cosponsors: Representatives Hagan, Foley, Letson, Luckie, Phillips, Harris, Domenick.

To amend sections 4141.28, 4141.301, and 4141.35 and to enact sections 4143.01 to 4143.09 of the Revised Code to require certain employers to give advanced notice of mass layoffs, worksite closings, and transfers of operation.

H. B. No. 435-Representatives Goodwin, Okey.

Cosponsors: Representatives Murray, Blessing, Stautberg, Domenick, Combs, McGregor, Yuko, Blair.

To amend section 5717.05 of the Revised Code to authorize any person currently permitted to appeal a decision of a county board of revision to the Board of Tax Appeals to instead appeal the decision to the county court of common pleas.

H. B. No. 436-Representatives Balderson, Boose.

Cosponsors: Representatives Adams, J., Adams, R., Bacon, Baker, Blessing, Combs, Evans, Grossman, Huffman, Jordan, Morgan, Stebelton, Wagner, Zehringer.

To enact sections 107.35 and 121.80 to 121.88 of the Revised Code to authorize a state agency to contract out its provision of a good or service to a private contractor under specific contractual provisions; to require the state agency to prepare a business case before executing such a contract; to create the Council on Efficient Government to review business cases, issue advisory reports, and undertake other duties regarding contracting out the provision of a good or service; to require the Council to prepare an annual report; and to require the Governor to select goods or services that could be provided by a private contractor and submit the selections for Council review.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Stebelton submitted the following report:

The standing committee on Civil and Commercial Law to which was referred **H. B. No. 361**-Representative Murray, et al., having had the same under consideration, reports it back and recommends its passage.

RE: EVIDENCE OF REASONABLENESS IN PERSONAL INJURY/WRONGFUL DEATH

- | | |
|------------------------|---------------------|
| MARK D. OKEY | DENNIS MURRAY |
| W. SCOTT OELSLAGER | T. TODD BOOK |
| MIKE FOLEY | STEPHEN DYER |
| SANDRA STABILE HARWOOD | MATT HUFFMAN |
| MICHAEL J. SKINDELL | GERALD L. STEBELTON |

The following members voted "NO"

- | | |
|-----------------|--------------------|
| BILL COLEY | ROBERT MECKLENBORG |
| PETER STAUTBERG | |

The report was agreed to.

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

Representative Stebelton submitted the following report:

The standing committee on Civil and Commercial Law to which was referred **H. B. No. 379**-Representatives Carney, Mecklenborg, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: REVISE GENERAL CORPORATION LAW

Representative Okey moved to amend the title as follows:

Add the names: "Murray, Oelslager, Coley, Dyer, Harwood, Stautberg, Stebelton."

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|---------------------|------------------------|
| MARK D. OKEY | DENNIS MURRAY |
| W. SCOTT OELSLAGER | T. TODD BOOK |
| BILL COLEY | MIKE FOLEY |
| STEPHEN DYER | SANDRA STABILE HARWOOD |
| MATT HUFFMAN | ROBERT MECKLENBORG |
| MICHAEL J. SKINDELL | PETER STAUTBERG |
| GERALD L. STEBELTON | |

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 change to the committee on Rules and Reference:

Remove Representative Stewart; appoint Representative Koziura.

On motion of Representative Letson, the House recessed.

The House met pursuant to recess.

Representative Blessing 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. 419 - Representatives Derickson and Mallory, et al
TO AUTHORIZE AN INCOME TAX DEDUCTION FOR THE OTHERWISE TAXABLE PORTION OF A FEDERAL PELL GRANT USED TO PAY ROOM AND BOARD FOR A POST-SECONDARY STUDENT.

To the committee on Ways and Means

H.B. No. 420 - Representative Boyd, et al
TO DESIGNATE OCTOBER 13 AS METASTATIC BREAST CANCER AWARENESS DAY.

To the committee on Health

H.B. No. 421 - Representatives Stebelton and Goyal, et al
TO ALLOW THE DISTRIBUTION OF A FREE INSTANT BINGO TICKET AS A PRIZE OR PROMOTIONAL ITEM, TO MODIFY THE DEFINITION OF "INSTANT BINGO," TO ELIMINATE A REQUIREMENT RELATING TO SALES FROM A DEAL OF INSTANT BINGO TICKETS, TO INCREASE FROM TWO TO THREE THE NUMBER OF BINGO SESSIONS THAT A CHARITABLE ORGANIZATION MAY CONDUCT IN ANY SEVEN-DAY PERIOD, TO INCREASE THE AGGREGATE PRIZE LIMIT DISTRIBUTED AT A BINGO SESSION FROM \$3,500 TO \$6,000, TO AUTHORIZE UP TO THREE CHARITABLE ORGANIZATIONS TO CONDUCT BINGO SESSIONS AT THE SAME LEASED LOCATION IN ANY CALENDAR WEEK, AND TO PERMIT LANDLORDS TO LEASE BINGO EQUIPMENT TO A CHARITABLE ORGANIZATION.

To the committee on State Government

H.B. No. 422 - Representative Combs, et al
TO DESIGNATE A PORTION OF STATE ROUTE 4 WITHIN THE MUNICIPAL CORPORATION OF FAIRFIELD ONLY AS THE "LANCE

CORPORAL TAYLOR PRAZYNSKI MEMORIAL HIGHWAY."

To the committee on Transportation and Infrastructure

H.B. No. 423 - Representative S. Williams

TO CREATE THE INDUSTRY SECTOR STRATEGY TRAINING PROGRAM, TO REQUIRE THE AWARDING OF ACADEMIC CREDIT TO INDIVIDUALS WHO COMPLETE THE PROGRAM, AND TO REQUIRE THE DEPARTMENT OF JOB AND FAMILY SERVICES TO STREAMLINE CORE SERVICES PROVIDED UNDER THE FEDERAL WORKFORCE INVESTMENT ACT.

To the committee on Economic Development

H.B. No. 424 - Representative S. Williams

TO QUALIFY STUDENTS IN NON-CREDIT COMMUNITY COLLEGE PROGRAMS FOR OHIO COLLEGE OPPORTUNITY GRANTS AND TO REQUIRE THE AWARDING OF ACADEMIC CREDIT FOR COMMUNITY COLLEGES' CAREER CERTIFICATION PROGRAMS.

To the committee on Education

H.B. No. 425 - Representative Heard, et al

TO GRANT THE PUBLIC UTILITIES COMMISSION EXCLUSIVE REGULATORY JURISDICTION OVER ALL COMMON AND CONTRACT CARRIER TOWING COMPANIES AND PREEMPT LOCAL REGULATION, AUTHORIZE THE COMMISSION TO ESTABLISH A NEW CERTIFICATION PROGRAM FOR COMMON AND CONTRACT CARRIER TOWING COMPANIES AND A REGISTRATION SYSTEM FOR TOWED VEHICLE STORAGE COMPANIES, AUTHORIZE CERTAIN COMMISSION REGULATION OF VEHICLE STORAGE COMPANIES, REVISE LAW GOVERNING PRIVATE TOW-AWAY ZONES, AND MAKE CONFORMING CHANGES IN MOTOR TRANSPORTATION COMPANY PUBLIC UTILITY LAW.

To the committee on Public Utilities

H.B. No. 426 - Representatives Skindell and Stewart

TO REVISE THE OIL AND GAS LAW.

To the committee on Agriculture and Natural Resources

H.B. No. 427 - Representatives Schneider and Sykes, et al

TO DECLARE HOW MONETARY AWARDS IN CLASS ACTIONS THAT ARE NOT PAID OVER TO MEMBERS OF THE CLASS ARE TO BE USED.

To the committee on Civil and Commercial Law

H.B. No. 428 - Representatives Boose and Amstutz, et al

TO ELIMINATE THE LATE FEE OF TWENTY DOLLARS FOR MOTOR VEHICLE REGISTRATIONS, COMMERCIAL DRIVER'S LICENSES, DRIVER'S LICENSES, AND MOTORCYCLE ENDORSEMENTS ESTABLISHED BY THE BIENNIAL TRANSPORTATION APPROPRIATIONS ACT OF THE 128TH GENERAL ASSEMBLY FOR DEPOSIT PRIMARILY INTO THE STATE HIGHWAY SAFETY FUND.

To the committee on Finance and Appropriations

H.B. No. 429 - Representatives Harris and Lehner, et al

TO INCREASE THE PENALTIES FOR DOMESTIC VIOLENCE, TO AUTHORIZE A COURT TO ISSUE A PROTECTION ORDER AGAINST A PERSON CONVICTED OF DOMESTIC VIOLENCE AND TO PROHIBIT VIOLATION OF SUCH A PROTECTION ORDER, TO REQUIRE A PEACE OFFICER WHO HAS REASONABLE GROUNDS TO BELIEVE THAT A VIOLATION OF A PROTECTION ORDER HAS BEEN COMMITTED TO ARREST ANY PERSON WHO THE PEACE OFFICER HAS REASONABLE CAUSE TO BELIEVE IS GUILTY OF THE VIOLATION, TO REQUIRE AN OFFENDER WHO COMMITS DOMESTIC VIOLENCE TO MEET PERIODICALLY WITH THE SENTENCING JUDGE AND ATTEND A BATTERER INTERVENTION PROGRAM, TO AUTHORIZE A BOARD OF COUNTY COMMISSIONERS TO CREATE A DOMESTIC VIOLENCE FATALITY REVIEW BOARD, AND TO REQUIRE THE ATTORNEY GENERAL TO TRACK THE ISSUANCE AND VIOLATION OF PROTECTION ORDERS.

To the committee on Criminal Justice

H.B. No. 430 - Representatives Goodwin and Morgan, et al

TO BASE THE TOTAL AMOUNT THAT THE ADMINISTRATIVE DEPARTMENTS SPEND ON THE SALARIES OR WAGES OF THEIR EMPLOYEES ON CHANGES IN THE GROSS DOMESTIC PRODUCT OF OHIO.

To the committee on Finance and Appropriations

H.B. No. 431 - Representatives Okey and Huffman, et al

TO PROVIDE CONSOLIDATED REFERENCES TO REVISED CODE SECTIONS THAT ESTABLISH COSTS AND FEES, OTHER THAN ATTORNEY FEES, IN THE COURTS OF RECORD OF THIS STATE.

To the committee on Judiciary

H.B. No. 432 - Representative Pryor, et al

TO CREATE THE SHARED WORK UNEMPLOYMENT COMPENSATION PROGRAM.

To the committee on Commerce and Labor

H.B. No. 433 - Representatives Ujvagi and Grossman, et al

TO PROVIDE PUBLICLY EMPLOYED FIRE FIGHTERS AND EMERGENCY MEDICAL TECHNICIANS WITH A MINIMUM PAID MILITARY LEAVE OF SEVENTEEN 24-HOUR DAYS.

To the committee on Veterans Affairs

Sub. S.B. No. 4 - Senator Schaffer, et al

TO REQUIRE THE AUDITOR OF STATE TO CONDUCT PERFORMANCE AUDITS OF THE BUREAU OF WORKERS' COMPENSATION, ENVIRONMENTAL PROTECTION AGENCY, DEPARTMENT OF NATURAL RESOURCES, DEPARTMENT OF AGRICULTURE, AND DEPARTMENT OF HEALTH, AND TO REQUIRE

THE AUDITOR OF STATE TO DEVELOP A SCHEDULE TO PROVIDE FOR PERIODIC PERFORMANCE AUDITS OF ALL STATE AGENCIES.
To the committee on Finance and Appropriations

Sub. S.B. No. 155 - Senators Carey and D. Miller, et al

TO REQUIRE THAT THE COSTS OF ALL BIENNIAL AUDITS OF STATE AGENCIES BE CHARGED TO THE STATE AGENCY BEING AUDITED, TO ALTER THE ALLOCATION OF THE PROCEEDS OF THE EXISTING FEE ON THE SALE OF NEW TIRES IN ORDER TO PROVIDE FUNDING FOR THE SOIL AND WATER CONSERVATION DISTRICT ASSISTANCE FUND, AND TO INCREASE THE MAXIMUM AMOUNT OF THE ANNUAL SOIL AND WATER CONSERVATION DISTRICT SUBSIDY.

To the committee on Finance and Appropriations

S.B. No. 185 - Senator Jones, et al

TO PROHIBIT THE TRANSFER OF CASH FROM CERTAIN NON-GENERAL REVENUE FUNDS TO THE GENERAL REVENUE FUND.

To the committee on Finance and Appropriations

Sub. S.B. No. 213 - Senator Faber, et al

TO REQUIRE THE ADMINISTRATOR OF WORKERS' COMPENSATION TO MAKE SPECIFIED CHANGES CONCERNING WORKERS' COMPENSATION PREMIUM RATES AND TO PROHIBIT THE BUREAU OF WORKERS' COMPENSATION BOARD OF DIRECTORS FROM ISSUING A REFUND OR REBATE TO SUBSCRIBERS TO THE STATE INSURANCE FUND WITHOUT APPROVAL OF THE GENERAL ASSEMBLY.

To the committee on Insurance

T. TODD BOOK
TOM LETSON
MATT LUNDY
JOHN ADAMS

JOSEPH KOZIURA
TIMOTHY J. DEGEETER
LOUIS W. BLESSING
CHERYL GROSSMAN

Representative DeGeeter 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.

MOTIONS AND RESOLUTIONS

Representative Blessing reported for the Rules and Reference Committee recommending that the following House Resolutions be read by title only and approved:

H.R. No. 214 - Speaker Budish, Representatives Batchelder, Adams, J., Adams, R., Amstutz, Bacon, Baker, Balderson, Beck, Belcher, Blair, Blessing, Bolon, Book, Boose, Boyd, Brown, Bubp, Burke, Carney, Celeste, Chandler, Coley, Combs, Daniels, DeBose, DeGeeter, Derickson, Dodd, Domenick, Driehaus, Dyer, Evans, Fende, Foley, Gardner, Garland, Garrison, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hagan, Hall, Harris, Harwood, Heard, Hite, Hottinger, Huffman, Jordan Koziura, Lehner, Letson, Luckie, Lundy, Maag, Mallory, Mandel, Martin, McClain, McGregor, Mecklenborg, Moran, Morgan, Murray, Newcomb, Oelslager, Okey, Otterman, Patten, Phillips, Pillich, Pryor, Ruhl, Sayre, Schneider, Sears, Skindell, Slesnick, Snitchler, Stautberg, Stebelton, Stewart, Sykes, Szollosi, Uecker, Ujvagi, Wachtmann, Wagner, Weddington, Williams, B., Williams, S., Winburn, Yuko, Zehringer
Honoring Representative Tyrone K. Yates for outstanding service to the Ohio House of Representatives.

H.R. No. 215 - Representative Driehaus
Honoring St. William Church on its One Hundredth Anniversary.

H.R. No. 216 - Speaker Budish, Representatives Batchelder, Adams, J., Adams, R., Amstutz, Bacon, Baker, Balderson, Beck, Belcher, Blair, Blessing, Bolon, Book, Boose, Boyd, Brown, Bubp, Burke, Carney, Celeste, Chandler, Coley, Combs, Daniels, DeBose, DeGeeter, Derickson, Dodd, Domenick, Driehaus, Dyer, Evans, Fende, Foley, Gardner, Garland, Garrison, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hagan, Hall, Harris, Harwood, Heard, Hite, Hottinger, Huffman, Jordan Koziura, Lehner, Letson, Luckie, Lundy, Maag, Mallory, Mandel, Martin, McClain, McGregor, Mecklenborg, Moran, Morgan, Murray, Newcomb, Oelslager, Okey, Otterman, Patten, Phillips, Pillich, Pryor, Ruhl, Sayre, Schneider, Sears, Skindell, Slesnick, Snitchler, Stautberg, Stebelton, Stewart, Sykes, Szollosi, Uecker, Ujvagi, Wachtmann, Wagner, Weddington, Williams, B., Williams, S., Winburn, Yates, Yuko, Zehringer
Honoring Representative Matthew J. Dolan for outstanding service to the Ohio House of Representatives.

H.R. No. 217 - Speaker Budish, Representatives Batchelder, Adams, J., Adams, R., Amstutz, Bacon, Baker, Balderson, Beck, Belcher, Blair, Blessing, Bolon, Book, Boose, Boyd, Brown, Bubp, Burke, Carney, Celeste, Chandler, Coley, Combs, Daniels, DeBose, DeGeeter, Derickson, Dodd, Domenick, Driehaus, Dyer, Evans, Fende, Foley, Gardner, Garland, Garrison, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hagan, Hall, Harris, Harwood, Heard, Hite, Hottinger, Huffman, Jordan

Koziura, Lehner, Letson, Luckie, Lundy, Maag, Mallory, Mandel, Martin, McClain, McGregor, Mecklenborg, Moran, Morgan, Murray, Newcomb, Oelslager, Okey, Otterman, Patten, Phillips, Pillich, Pryor, Ruhl, Sayre, Schneider, Sears, Skindell, Slesnick, Snitchler, Stautberg, Stebelton, Stewart, Sykes, Szollosi, Uecker, Ujvagi, Wachtmann, Wagner, Weddington, Williams, B., Williams, S., Winburn, Yuko, Zehringer
Honoring Representative Shannon Jones for outstanding service to the Ohio House of Representatives.

/s/ TODD BOOK
Todd Book, Chair

Representative DeGeeter 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.

On motion of Representative DeGeeter, the House adjourned until Wednesday, February 3, 2010 at 1:30 p.m.

Attest:

THOMAS L. SHERMAN,
Clerk.