OHIO House of Representatives JOURNAL

TUESDAY, FEBRUARY 17, 2009

TWELFTH DAY Hall of the House of Representatives, Columbus, Ohio **Tuesday, February 17, 2009, 11:00 o'clock a.m.**

The House met pursuant to adjournment.

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

Representative Carney was selected to preside under the Rule.

The journal of the previous legislative day was read and approved.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 3-Representatives Foley, Driehaus. Cosponsors: Representatives Heard, Skindell, Stewart, Newcomb, Yuko, Hagan, Harris, Williams, B., Williams, S., Yates, Luckie, Patten, Slesnick, Ujvagi, Letson, Harwood, Boyd, Weddington, Winburn, Pryor, Murray, Mallory, Domenick, DeBose.

To amend various sections of the Revised Code to address the current mortgage foreclosure crisis.

H. B. No. 4-Representatives Phillips, Garrison.

Cosponsors: Representatives Williams, S., Letson, Luckie, Harris, Okey, Ujvagi, DeBose, Bolon, Stewart, Williams, B., DeGeeter, Murray, Newcomb, Fende, Hagan, Heard, Evans.

To enact section 3353.20 of the Revised Code to establish an interactive distance learning pilot project.

H. B. No. 5-Representatives Okey, Dodd.

Cosponsors: Representatives Ujvagi, Garland, Newcomb, Phillips, Murray, Williams, B., DeGeeter, Szollosi, Sayre, Schneider, Yuko, Luckie, Letson, Williams, S., Garrison.

To amend sections 3517.01, 3517.10, 3517.106, 3517.11, 3517.153, 3517.154, 3517.992, and 3599.03 and to enact section 3517.1014 of the Revised Code to permit individuals elected or appointed to state office to establish transition funds to receive donations and to make expenditures for transition activities and inaugural celebrations.

H. B. No. 6-Representatives Patten, Schneider.

Cosponsors: Representatives DeGeeter, Garrison, Harris, Heard, Letson, Luckie, Murray, Newcomb, Szollosi, Yuko.

To amend sections 5733.98 and 5747.98 and to enact sections 122.85, 5733.58, and 5747.66 of the Revised Code to authorize refundable, nontransferable credits against the corporation franchise tax or income tax for production of motion pictures in Ohio.

H. B. No. 7-Representatives Harris, Pillich.

Cosponsors: Representatives Garrison, Stewart, Williams, B., Phillips, Hagan, Fende, Murray, Ujvagi, Koziura, Newcomb, Szollosi, Bolon, Letson, Yuko, Luckie, Williams, S., Heard.

To enact section 153.013 of the Revised Code to require a building or structure erected or constructed using state capital moneys to adhere to certain sustainability standards.

H. B. No. 8-Representatives Celeste, Garland.

Cosponsors: Representatives Okey, Harris, Dyer, Foley, Lundy, Harwood, Koziura, Stebelton, Hagan, Skindell, Stewart, Heard, Mallory, DeBose, Patten, Pryor, Yuko, Pillich, Newcomb, Murray, Phillips, Winburn, Letson, Bolon, Luckie, Williams, B., Slesnick.

To amend section 1739.05 and to enact sections 1751.68 and 3923.84 of the Revised Code to prohibit health insurers from excluding coverage for specified services for individuals diagnosed with an autism spectrum disorder.

H. B. No. 9-Representatives Celeste, Foley.

Cosponsors: Representatives Garrison, Heard, Okey, Harris, Boyd, Newcomb, Harwood, Koziura, Hagan, Skindell, Stewart, Slesnick, Chandler, Brown, Murray, Mallory, DeBose, Patten, Oelslager, Lehner, Yuko, Moran, Pryor, Williams, S., Pillich, Phillips, Williams, B., Letson, Winburn, Fende, Luckie, Driehaus.

To enact section 5321.20 of the Revised Code to require that notice of foreclosure and related sale of residential rental property be given to tenants at that property and to specify that a rental agreement for a residential property that is sold pursuant to a foreclosure action converts to a month-to-month rental agreement.

H. B. No. 10-Representative Brown.

Cosponsors: Representatives Szollosi, Williams, B., Letson, Harwood, Stewart, Chandler, Gardner, Boyd, Garrison, Otterman, Luckie, Stebelton, Harris, Newcomb, Williams, S., Phillips, Foley, Slesnick, Fende, Pillich.

To amend sections 2151.23, 2903.214, 2919.25, 3113.31, and 3113.33 of the Revised Code to allow a court to issue a civil protection order to a child who has had or has a dating relationship with the respondent if certain offenses are alleged and to include foster parents under the scope of the domestic violence laws.

H. B. No. 11-Representatives Heard, Harris.

Cosponsors: Representatives Phillips, Williams, S., Newcomb, Mallory, DeBose, Murray, Williams, B., Okey, Luckie.

To amend sections 2950.034 and 2950.99 of the Revised Code to provide that any person required to register under Ohio's Sex Offender Registration and Notification Law who establishes or occupies residential premises within one thousand feet of any school premises, recreation center, playground, or other place where it is reasonable to expect children to frequent or linger is guilty of a misdemeanor of the first degree and to require a court to order a violator to vacate the premises as part of any injunctive relief granted for the violation.

H. B. No. 12-Representatives Lundy, Schneider.

Cosponsors: Representatives Fende, Newcomb, Koziura, Dyer, Harris, Murray, DeGeeter, Phillips, Williams, B., DeBose, Hagan, Skindell, Okey, Luckie, Letson, Williams, S.

To amend section 1349.99 and to enact sections 1349.38 and 3345.331 of the Revised Code to prohibit campus credit card marketing activities and to prohibit institutions of higher education from releasing student directory information to any person or group for use in a profit-making plan or activity.

H. B. No. 13-Representatives Garrison, Harris.

Cosponsors: Representatives Yuko, Newcomb, Hagan, Murray, Phillips, Williams, B., DeBose, Bolon, Okey, Luckie, Fende, Lundy, Williams, S., Heard, Chandler.

To amend section 2950.99 and to enact section 2950.035 of the Revised Code to prohibit Tier III sex offender/child victim offenders who have committed specified offenses against a victim under 16 years of age from knowingly being present on school premises or preschool or child day-care center premises.

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H. B. No. 14-Representative DeGeeter.

Cosponsors: Representatives Bolon, Brown, DeBose, Dodd, Evans, Foley, Garland, Garrison, Goyal, Hagan, Harris, Heard, Letson, Moran, Murray, Okey, Sayre, Yuko.

To enact section 107.13 of the Revised Code to require that the Governor's State of the State Address be delivered on a week night at 7 p.m.

H. B. No. 15-Representative Sykes.

To amend sections 121.52, 4121.12, 4121.125, 4121.62, 4121.70, and 4123.34 of the Revised Code to create the Deputy Inspector General for the Bureau of Workers' Compensation and Industrial Commission Fund; to make other changes to the Workers' Compensation Law; to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2009, and ending June 30, 2011; and to provide authorization and conditions for the operation of the Bureau's programs.

H. B. No. 16-Representative Sykes.

To make appropriations for the Industrial Commission for the biennium beginning July 1, 2009, and ending June 30, 2011, and to provide authorization and conditions for the operation of Commission programs.

Said bills were considered the first time.

The following joint resolution was introduced:

H. J. R. No. 1-Representatives Pryor, Pillich.

Cosponsors: Representatives Gerberry, Lundy, Celeste, Yuko, Garrison, Fende, Hagan, Koziura, Book, Dodd, Murray, Ujvagi, Harris, DeGeeter, Newcomb, Phillips, Williams, B., Williams, S., Stewart, Harwood, DeBose, Bolon, Garland, Szollosi, Brown, Schneider, Skindell, Okey, Luckie, Letson, Heard.

Proposing to enact Section 2r of Article VIII of the Constitution of the State of Ohio to provide compensation to veterans of the Persian Gulf, Afghanistan, and Iraq conflicts.

Said joint resolution was considered the first time.

Message from the Speaker

Pursuant to Ohio Revised Code section 4981.02, the Speaker hereby appoints the following members to the Ohio Rail Development Commission:

Representatives Hagan and Boose.

Message from the Speaker

Pursuant to Ohio Revised Code section 171.01, the Speaker hereby appoints the following members to the Ohio Retirement Study Council:

Representatives Book, Dodd and Wachtmann.

Message from the Speaker

Pursuant to Ohio Revised Code section 3302.021(D)(1), the Speaker hereby appoints the following members to the Ohio Accountability Task Force:

Representatives B. Williams and Stebelton.

Message from the Speaker

Pursuant to Ohio Revised Code section 3301.0713(B)(10), the Speaker hereby appoints the following members to the Education Management Information System Advisory Board:

Representatives B. Williams and Stebelton.

Message from the Speaker

Pursuant to Ohio Revised Code section 3312.11(A)(14), the Speaker hereby appoints the following members to the State Regional Alliance Advisory Board:

Representatives B. Williams and Stebelton.

Message from the Speaker

Pursuant to Ohio Revised Code section 4981.361, the Speaker hereby appoints Representative Koziura to the Midwest Interstate Passenger Rail Compact.

Message from the Speaker

Pursuant to Ohio Revised Code section 3332.081, the Speaker hereby appoints Representative B. Williams to the Student Tuition Recovery Authority.

Message from the Speaker

Pursuant to Ohio Revised Code section 121.40(A), the Speaker hereby appoints Representative B. Williams to the Ohio Community Service Council.

Message from the Speaker

Pursuant to Ohio Revised Code section 3319.60(A)(6), the Speaker hereby appoints Representative B. Williams to the Educator Standards Board.

Message from the Speaker

Pursuant to Ohio Revised Code section 3353.07, the Speaker hereby appoints the following members to the Program Committee of Ohio Government Telecommunications:

Speaker Budish and Representative Batchelder.

On motion of Representative Book, the House recessed.

The House met pursuant to recess.

Representative DeGeeter moved that the House revert 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 Blessing reported for the Rules and Reference Committee recommending that the following House Bills and House Joint Resolution be considered for the second time and referred to the following committees for consideration:

H.B. No. 1 - Representative Sykes

TO MAKE OPERATING APPROPRIATIONS FOR THE BIENNIUM BEGINNING JULY 1, 2009, AND ENDING JUNE 30, 2011, AND TO PROVIDE AUTHORIZATION AND CONDITIONS FOR THE OPERATION OF STATE PROGRAMS. To the committee on Finance and Appropriations

H.B. No. 2 - Representative Ujvagi

TO CONTINUE THE PROVISIONS OF THIS ACT ON AND AFTER THAT EFFECTIVE DATE TO MAKE APPROPRIATIONS FOR PROGRAMS RELATED TO TRANSPORTATION AND PUBLIC SAFETY FOR THE BIENNIUM BEGINNING JULY 1, 2009, AND ENDING JUNE 30, 2011, AND TO PROVIDE AUTHORIZATION AND CONDITIONS FOR THE OPERATION OF THOSE PROGRAMS. To the committee on Finance and Appropriations

H.B. No. 3 - Representatives Foley and Driehaus, et al

TO AMEND VARIOUS SECTIONS OF THE REVISED CODE TO ADDRESS THE CURRENT MORTGAGE FORECLOSURE CRISIS. To the committee on Housing and Urban Revitalization

H.B. No. 4 - Representatives Phillips and Garrison, et al TO ESTABLISH AN INTERACTIVE DISTANCE LEARNING PILOT PROJECT.

To the committee on Education

H.B. No. 5 - Representatives Okey and Dodd, et al TO PERMIT INDIVIDUALS ELECTED OR APPOINTED TO STATE OFFICE TO ESTABLISH TRANSITION FUNDS TO RECEIVE DONATIONS AND TO MAKE EXPENDITURES FOR TRANSITION ACTIVITIES AND INAUGURAL CELEBRATIONS. To the committee on Elections and Ethics

H.B. No. 6 - Representatives Patten and Schneider, et al TO AUTHORIZE REFUNDABLE, NONTRANSFERABLE CREDITS

AGAINST THE CORPORATION FRANCHISE TAX OR INCOME TAX FOR PRODUCTION OF MOTION PICTURES IN OHIO. To the committee on Ways and Means

H.B. No. 7 - Representatives Harris and Pillich, et al

TO REQUIRE A BUILDING OR STRUCTURE ERECTED OR CONSTRUCTED USING STATE CAPITAL MONEYS TO ADHERE TO CERTAIN SUSTAINABILITY STANDARDS. To the committee on Local Government and Public Administration

H.B. No. 8 - Representatives Celeste and Garland, et al

TO PROHIBIT HEALTH INSURERS FROM EXCLUDING COVERAGE FOR SPECIFIED SERVICES FOR INDIVIDUALS DIAGNOSED WITH AN AUTISM SPECTRUM DISORDER.

To the committee on Healthcare Access and Affordability

H.B. No. 9 - Representatives Celeste and Foley, et al TO REQUIRE THAT NOTICE OF FORECLOSURE AND RELATED SALE OF RESIDENTIAL RENTAL PROPERTY BE GIVEN TO TENANTS AT THE PROPERTY AND TO SPECIFY THAT A RENTAL AGREEMENT FOR A RESIDENTIAL PROPERTY THAT IS SOLD PURSUANT TO A FORECLOSURE ACTION CONVERTS TO A MONTH-TO-MONTH RENTAL AGREEMENT. To the committee on Financial Institutions, Real Estate, and Securities

H.B. No. 10 - Representative Brown, et al

TO ALLOW A COURT TO ISSUE A CIVIL PROTECTION ORDER TO A CHILD WHO HAS HAD OR HAS A DATING RELATIONSHIP WITH THE RESPONDENT IF CERTAIN OFFENSES ARE ALLEGED AND TO INCLUDE FOSTER PARENTS UNDER THE SCOPE OF THE DOMESTIC VIOLENCE LAWS.

To the committee on Civil and Commercial Law

H.B. No. 11 - Representatives Heard and Harris, et al TO PROVIDE THAT ANY PERSON REQUIRED TO REGISTER UNDER OHIO'S SEX OFFENDER REGISTRATION AND NOTIFICATION LAW WHO ESTABLISHES OR OCCUPIES RESIDENTIAL PREMISES WITHIN ONE THOUSAND FEET OF ANY SCHOOL PREMISES, RECREATION CENTER, PLAYGROUND, OR OTHER PLACE WHERE IT IS REASONABLE TO EXPECT CHILDREN TO FREQUENT OR LINGER, IS GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE AND TO REQUIRE A COURT TO ORDER A VIOLATOR TO VACATE THE PREMISES AS PART OF ANY INJUNCTIVE RELIEF GRANTED FOR THE VIOLATION.

To the committee on Criminal Justice

H.B. No. 12 - Representative Lundy and Schneider, et al TO PROHIBIT CAMPUS CREDIT CARD MARKETING ACTIVITIES AND TO PROHIBIT INSTITUTIONS OF HIGHER EDUCATION FROM RELEASING STUDENT DIRECTORY INFORMATION TO ANY PERSON OR GROUP FOR USE IN A PROFIT-MAKING PLAN OR ACTIVITY.

To the committee on Consumer Affairs and Economic Protection

H.B. No. 13 - Representatives Garrison and Harris, et al TO PROHIBIT TIER III SEX OFFENDER/CHILD VICTIM OFFENDERS WHO HAVE COMMITTED SPECIFIED OFFENSES AGAINST A VICTIM UNDER 16 YEARS OF AGE FROM KNOWINGLY BEING PRESENT ON SCHOOL PREMISES OR PRESCHOOL OR CHILD DAY-CARE CENTER PREMISES.

To the committee on Criminal Justice

H.B. No. 14 - Representative DeGeeter

TO REQUIRE THAT THE GOVERNOR'S STATE OF THE STATE ADDRESS BE DELIVERED ON A WEEK NIGHT AT 7 P.M. To the committee on State Government

H.B. No. 15 - Representative Sykes

TO CREATE THE DEPUTY INSPECTOR GENERAL FOR THE BUREAU OF WORKERS' COMPENSATION AND INDUSTRIAL COMMISSION FUND; TO MAKE OTHER CHANGES TO THE WORKERS' COMPENSATION LAW; TO MAKE APPROPRIATIONS FOR THE BUREAU OF WORKERS' COMPENSATION FOR THE BIENNIUM BEGINNING JULY 1, 2009, AND ENDING JUNE 30, 2011; AND TO PROVIDE AUTHORIZATION AND CONDITIONS FOR THE OPERATION OF THE BUREAU'S PROGRAMS. To the committee on Insurance

H.B. No. 16 - Representative Sykes

TO MAKE APPROPRIATIONS FOR THE INDUSTRIAL COMMISSION FOR THE BIENNIUM BEGINNING JULY 1, 2009, AND ENDING JUNE 30, 2011, AND TO PROVIDE AUTHORIZATION AND CONDITIONS FOR THE OPERATION OF COMMISSION PROGRAMS. To the committee on Insurance

H.J.R. No. 1 - Representatives Pryor and Pillich, et al TO PROVIDE COMPENSATION TO VETERANS OF THE PERSIAN GULF, AFGHANISTAN, AND IRAQ CONFLICTS. To the committee on Veterans Affairs

T. TODD BOOK	BARBARA BOYD
TIMOTHY J. DEGEETER	MATT LUNDY
LOUIS W. BLESSING	JOHN ADAMS
WILLIAM G. BATCHELDER	KRIS JORDAN

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 the House Bills and House Joint Resolution 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 House Joint Resolution 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 Resolution be introduced and referred to the following committees for consideration:

H.R. No. 20 - Representative Patten, et al

TO CREATE THE COMPACT WITH OHIO CITIES TASK FORCE TO HELP CITIES COMPETE FOR RESIDENTS AND JOBS, AND TO STIMULATE ECONOMIC GROWTH. To the committee on Economic Development

> /s/ <u>TODD BOOK</u> Todd Book, Chair

Representative DeGeeter moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolution contained therein be introduced and referred as recommended.

The motion was agreed to.

Said resolution was introduced and referred as recommended.

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. 12 - Representative Bubp, Mallory

Honoring the University of Cincinnati Football Team for winning the 2008 Big East Championship.

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H.R. No. 13 - Representative Uecker

Honoring Glen Este High School Thespian Troupe 6512 as recipient of the 2008 Abundant Harvest Award.

H.R. No. 14 - Representative Chandler

Honoring the Aurora High School football team as the 2008 Division III State Champion.

H.R. No 15 - Representative Letson

Honoring Natasha A. Vivoda as the 2009 Miss Ohio 2009.

H.R. No. 16 - Hagan, Gerberry, Harwood

Honoring the Ursuline High School football team as the 2008 Division V State Champion.

H.R. No. 17 - Representative Driehaus

Honoring Tom Otten on receiving a 2009 Catholic Secondary Education Award.

H.R. No. 18 - Representative McClain

Honoring Greg Micheli on winning several national athletic awards.

H.R. No. 19 - Representative Derickson

Honoring Miami University on its Bicentennial.

/s/ <u>TODD BOOK</u>

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 18, 2009 at 1:30 p.m.

Attest:

THOMAS L. SHERMAN, Clerk.