

OHIO

House

of

Representatives

JOURNAL

THURSDAY, MARCH 19, 2009

TWENTY-FOURTH DAY

Hall of the House of Representatives, Columbus, Ohio
Thursday, March 19, 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 Yates 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. 90-Representative Yuko.

Cosponsors: Representatives Ujvagi, Dodd, Foley, Pillich, Letson, Williams, B., Patten, Phillips, Garland, Skindell, Domenick, Harwood.

To enact section 5902.10 of the Revised Code to require the Governor to issue an official notice of the death of an Ohio resident killed by hostile fire as a member of the United States armed forces or the National Guard and to order the lowering of flags on the day of the person's funeral.

H. B. No. 91-Representative Yuko.

Cosponsors: Representatives Slesnick, Murray, Williams, B., Evans, Foley, Letson, Chandler, Luckie, Skindell, DeGeeter, Hagan, Book, Domenick, Boyd, Oelslager, Stewart, Brown.

To enact section 5533.93 of the Revised Code to designate the bridge spanning the Cuyahoga River and the Ohio Canal in Cuyahoga County and that is part of Interstate Route 480 the "Union Workers Memorial Bridge."

H. B. No. 92-Representative Mecklenborg.

Cosponsors: Representatives Adams, R., Amstutz, Blair, Bulp, Combs, Grossman, Hackett, Hall, Huffman, Martin, Stebelton, Wachtmann, Zehringer.

To amend sections 3501.07, 3501.10, 3501.90, 3503.15, 3505.21, 3509.01, 3509.04, 3509.05, 3509.06, 3509.07, 3511.05, and 3511.11 of the Revised Code to require absent voter's ballot identification envelope statements to be completed for absent voter's ballots to be counted, to require boards of elections to notify absent voters that their ballots will be rejected if they do not complete the required statement, to generally prohibit same day voter registration and application for absent voter's ballots, to permit election observers to be appointed to serve at the board of elections or at another designated site during the time absent voter's ballots may be cast in person, to revise the time period in which voters may cast absent voter's ballots in

person, to permit a board of elections to establish additional locations at which voters may cast absent voter's ballots in person, to require the Secretary of State to notify boards of elections of mismatches between voter registration information and motor vehicle records, and to revise the process for appointing members of a board of elections.

Said bills were considered the first time.

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 Senate Bills be considered for the second time and referred to the following committees for consideration.

H.B. No. 71 - Representatives Hagan and Batchelder, et al

TO ESTABLISH REQUIREMENTS FOR CONTRACT CARRIERS THAT TRANSPORT RAILROAD EMPLOYEES.

To the committee on Commerce and Labor

H.B. No. 72 - Representatives Hottinger and Dodd, et al

TO PROVIDE FOR CONFIDENTIALITY OF CERTAIN RECORDS MAINTAINED BY THE OHIO PUBLIC EMPLOYEES DEFERRED COMPENSATION BOARD, TO REQUIRE THE TREASURER OF STATE TO BE THE CUSTODIAN OF CONTRIBUTIONS INTO THE DEFERRED COMPENSATION PROGRAM, TO REQUIRE NEW EMPLOYEES TO BE NOTIFIED OF THE DEFERRED COMPENSATION PROGRAM AND PROVIDED WITH THE OPPORTUNITY TO ELECT TO PARTICIPATE OR NOT PARTICIPATE IN THE PROGRAM, AND TO MAKE OTHER CHANGES TO THE DEFERRED COMPENSATION LAW.

To the committee on Financial Institutions, Real Estate, and Securities

H.B. No. 73 - Representatives Garrison and Fende, et al

TO REQUIRE PROOF OF FINANCIAL RESPONSIBILITY TO BE SUBMITTED AS A CONDITION OF REGISTERING A MOTOR VEHICLE.

To the committee on Insurance

H.B. No. 74 - Representative Weddington, et al

REGARDING LIMITS ON MANDATORY OVERTIME FOR NURSES, TUITION REIMBURSEMENT FOR NURSING EDUCATION, TAX CREDITS FOR NURSING PROFESSORS, AND TAX DEDUCTIONS FOR NURSE AIDES.

To the committee on Healthcare Access and Affordability

H.B. No. 75 - Representatives Chandler and Moran, et al

TO ALLOW TAXPAYERS TO CONTRIBUTE A PORTION OF THEIR

INCOME TAX REFUNDS TO THE OHIO HISTORICAL SOCIETY.

To the committee on State Government

H.B. No. 76 - Representative Chandler

TO DESIGNATE A PORTION OF STATE ROUTE 43 WITHIN PORTAGE COUNTY AS THE "CORPORAL JASON J. HERNANDEZ MEMORIAL HIGHWAY."

To the committee on Transportation and Infrastructure

H.B. No. 77 - Representative Snitchler, et al

TO EXCLUDE THE RESIDENTIAL AND FAMILIAL INFORMATION OF A FEDERAL LAW ENFORCEMENT OFFICER FROM THE DEFINITION OF A PUBLIC RECORD, TO INCLUDE FEDERAL LAW ENFORCEMENT OFFICERS AMONG THE PROTECTED INDIVIDUALS WHO ARE AUTHORIZED TO REQUEST A PUBLIC OFFICE OTHER THAN THE COUNTY AUDITOR TO REDACT THE PERSON'S ADDRESS FROM ANY RECORD MADE AVAILABLE TO THE GENERAL PUBLIC ON THE INTERNET, AND TO INCLUDE THOSE OFFICERS AMONG THE PROTECTED INDIVIDUALS WHO MAY REQUEST THE COUNTY AUDITOR TO REPLACE THE PERSON'S NAME WITH THE PERSON'S INITIALS ON THE GENERAL TAX LIST AND DUPLICATE.

To the committee on Civil and Commercial Law

H.B. No. 78 - Representatives Hottinger and Weddington, et al

TO REQUIRE FIRST-TIME OVI OFFENDERS AND OTHER OVI OFFENDERS TO USE A CERTIFIED IGNITION INTERLOCK DEVICE AND TO WEAR A CONTINUOUS ALCOHOL MONITOR IF THE OFFENDER TAMPERS WITH OR OTHERWISE VIOLATES AN IGNITION INTERLOCK DEVICE AND TO MAKE OTHER CHANGES TO OVI LAW.

To the committee on Criminal Justice

H.B. No. 79 - Representative Sears, et al

TO REMOVE PIT BULLS FROM THE DEFINITION OF "VICIOUS DOG" IN STATE LAW.

To the committee on Agriculture and Natural Resources

Sub. S.B. No. 42 - Senator Schaffer, et al

TO SPECIFY THAT THE RESTRICTION AGAINST OFFENDERS CONVICTED OF A SEXUALLY ORIENTED OFFENSE OR CHILD-VICTIM ORIENTED OFFENSE ESTABLISHING OR OCCUPYING A RESIDENCE NEAR SCHOOL, PRESCHOOL, OR CHILD DAY-CARE PREMISES GENERALLY APPLIES REGARDLESS OF WHEN THE OFFENSE WAS COMMITTED OR THE OFFENDER BEGAN LIVING IN THE RESIDENCE, TO PROVIDE AN EXEMPTION FROM THE BAN FOR OFFENDERS WHO OCCUPY RESIDENTIAL PREMISES THEY OR THEIR SPOUSE OWN AT THE TIME OF OCCUPANCY AND ALSO OWNED PRIOR TO THE BAN'S EFFECTIVE DATE, AND TO

SPECIFY THAT A REGISTRATION REQUIREMENT FOR CHILDREN ADJUDICATED DELINQUENT FOR A SEXUALLY ORIENTED OFFENSE AND CLASSIFIED A JUVENILE OFFENDER REGISTRANT APPLIES REGARDLESS OF WHEN THE OFFENSE WAS COMMITTED.

To the committee on Judiciary

Am. Sub. S.B. No. 2 - Senator Carey, et al

TO PROVIDE FOR THE DISTRIBUTION OF MONEYS RECEIVED BY THE STATE FROM THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 BY MAKING APPROPRIATIONS AND TO DECLARE AN EMERGENCY.

To the committee on Finance and Appropriations

Am. S.B. No. 3 - Senator Faber, et al

TO REQUIRE A RULE-MAKING AGENCY TO PREPARE A COST-BENEFIT REPORT FOR, AND REGULATORY FLEXIBILITY ANALYSIS OF, RULES THAT MAY HAVE ANY ADVERSE IMPACT ON SMALL BUSINESSES AND SUBMIT THEM TO THE NEW OHIO SMALL BUSINESS OMBUDSPERSON IN THE OFFICE OF SMALL BUSINESS, TO CREATE THE SMALL BUSINESS REGULATORY REVIEW BOARD TO REVIEW OBJECTIONS TO THOSE RULES AND MAKE RECOMMENDATIONS TO THE JOINT COMMITTEE ON AGENCY RULE REVIEW REGARDING THE RULES, TO REQUIRE THE OMBUDSPERSON ANNUALLY TO SUBMIT A RULE IMPACT REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY, TO PROMOTE IMPROVED CUSTOMER SERVICE IN STATE AGENCIES, AND TO REQUIRE THE DIRECTOR OF ADMINISTRATIVE SERVICES TO ESTABLISH CUSTOMER SERVICE PERFORMANCE STANDARDS FOR NONELECTED OFFICERS AND EMPLOYEES OF STATE AGENCIES.

To the committee on State Government

T. TODD BOOK
BARBARA BOYD
MATT LUNDY
JOHN ADAMS
KRIS JORDAN

JOSEPH KOZIURA
TIMOTHY J. DEGEETER
LOUIS W. BLESSING
WILLIAM G. BATCHELDER

Representative Harris 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 Concurrent Resolutions be introduced and referred to the following committees for consideration:

H.C.R. No. 11 - Representatives Martin and Jordan, Adams, J., Amstutz, Balderson, Boose, Bubp, Burke, Combs, Gardner, Grossman, Hall, Huffman, Mecklenborg, Morgan, Snitchler, Stebelton, Uecker, Wachtmann

TO CLAIM SOVEREIGNTY OVER CERTAIN POWERS PURSUANT TO THE TENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA, TO SERVE NOTICE TO THE FEDERAL GOVERNMENT TO CEASE AND DESIST CERTAIN MANDATES, AND TO INSIST THAT CERTAIN FEDERAL LEGISLATION BE PROHIBITED OR REPEALED.

To the committee on State Government

Add the names: Batchelder, Blessing

H.C.R. No. 12 - Representatives Domenick, Brown, Chandler, Dodd, Evans, Foley, Hagan, Harwood, Gerberry, Letson, Mecklenborg, Newcomb, Oelslager, Patten, Phillips, Skindell, Williams, S., Yuko

TO MEMORIALIZE THE UNITED STATES POSTAL SERVICE TO ISSUE A COMMEMORATIVE UNITED STATES POSTAGE STAMP HONORING AMERICA'S COAL MINERS.

To the committee on State Government

Add the names: Adams, Blessing, Batchelder, Boyd

/s/ TODD BOOK

Todd Book, Chair

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

The motion was agreed to.

Said resolutions were 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. 26 - Representative Driehaus

Honoring St. Teresa girls soccer team on winning the 2008 Ohio SAY State Championship.

H.R. No. 27 - Representative Budish

Honoring the Ohio Military Hall of Fame on the occasion of its tenth annual induction ceremony.

H.R. No. 28 - Representative Driehaus

Honoring Father Andrew J. Umberg on receiving the National Catholic Education Association's Distinguished Pastor Award.

/s/ TODD BOOK

Todd Book, Chair

Representative Harris 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.

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. Sub. H. B. No. 2 -Representative Ujvagi

Cosponsors: Representatives Bolon, Boyd, Brown, Carney, Chandler, DeBose, Domenick, Dyer, Fende, Foley, Garrison, Hagan, Harris, Heard, Koziura, Letson, Luckie, Mallory, Otterman, Patten, Pillich, Pryor, Stewart, Sykes, Szollosi, Weddington, Williams, B., Williams, S., Winburn, Yates, Yuko

To amend sections 121.51, 133.52, 151.01, 151.09, 151.40, 955.201, 1345.52, 1547.11, 1548.10, 1751.53, 2911.21, 2949.094, 3781.01, 3781.10, 3781.12, 3781.19, 3905.423, 3923.38, 4501.01, 4501.03, 4501.21, 4503.03, 4503.10, 4503.103, 4503.191, 4505.032, 4505.09, 4506.07, 4506.11, 4506.17, 4507.06, 4507.13, 4507.51, 4507.52, 4511.01, 4511.181, 4511.19, 4511.191, 4511.21, 4511.213, 4513.34, 4517.021, 4519.02, 4519.03, 4519.04, 4519.08, 4519.09, 4519.10, 4519.44, 4519.47, 4519.59, 4561.17, 4561.18, 4561.21, 4740.14, 4765.37, 4765.38, 4765.39, 4928.64, 4928.65, 5501.311, 5501.51, 5502.67, 5502.68, 5515.01, 5515.07, 5517.011, 5525.15, 5531.09, 5537.07, 5537.99, 5541.05, 5571.20, and 5577.042; to enact sections 5.24, 121.53, 122.077, 123.153, 167.081, 3905.425, 3905.426, 4501.026, 4511.108, 5501.60, 5533.93, and 5537.30; and to repeal sections 955.202 and 5902.09 of the Revised Code and to amend Section 229.10 of Am. Sub. H.B. 67 of the 127th General Assembly, as subsequently amended; and to amend Sections 217.10, 217.11, 239.10, 241.10, 243.10, 243.11, and 503.40 of Am. Sub. H.B. 562 of the 127th General Assembly to make appropriations for programs related to transportation for the biennium beginning July 1, 2009, and ending June 30, 2011, to provide authorization and conditions for the operation of those and other programs, to appropriate federal stimulus moneys received under the American Recovery and Reinvestment Act of 2009, to make changes to the Residential Construction Advisory Committee and to require the Board of Building Standards to adopt residential building code rules only after receiving recommendations from the Residential Construction Advisory Committee, to repeal section 121.53 of the Revised Code on September 30,

2013, to further amend sections 1751.53 and 3923.38 of the Revised Code, effective January 1, 2010, to revive the law as it existed prior to this act, and to declare an emergency.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested.

In line 50, delete "4513.263,"

In line 53, delete "5501.03,"

In line 976, delete the first " the" and insert " a"; after " county" insert " in this state"; after " council" insert " has mebers"

In line 977, delete " maintains its principal place of business"

Delete lines 7487 through 7643

In line 8644, after "energy" insert " resource"

In line 8756, after "energy" insert " resource"

In line 8782, after "energy" insert " resource"

Delete lines 8791 through 8851

In line 9699, delete "4513.263,"

In line 9702, delete "5501.03,"

In line 10001, correct the spelling of "Infrastructure"

Delete lines 11514 through 11518

In line 11549, delete "is" and insert "and the enactment of Section 756.40 of this act are"

In line 9 of the title, delete "4513.263,"

In line 13 of the title, delete "5501.03,"

Attest:

Vincent L. Keeran,
Clerk.

The Senate amendments were laid over under the Rule.

On motion of Representative Harris, the House adjourned until Tuesday, March 24, 2009 at 11:00 o'clock a.m.

Attest:

THOMAS L. SHERMAN,
Clerk.