

OHIO

House

of

Representatives

JOURNAL

TUESDAY, MAY 11, 2010

ONE HUNDRED SEVENTY-FIFTH DAY
Hall of the House of Representatives, Columbus, Ohio
Tuesday, May 11, 2010, 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 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. 506-Representatives Goyal, Murray.

Cosponsors: Representatives Domenick, Skindell, Lundy, Dodd, Pillich, Phillips, Chandler, Pryor, Walter, Letson, Heard, Weddington, Winburn.

To amend sections 3517.01, 3517.10, 3517.105, 3517.106, 3517.1011, 3517.11, 3517.13, 3517.153, 3517.154, 3517.20, 3517.992, 3599.03, 5727.61, and 5733.27, to amend, for the purpose of adopting a new section number as indicated in parentheses, section 3517.106 (3517.1015), and to enact new section 3517.106 of the Revised Code to regulate independent expenditures by corporations, labor organizations, and entities the primary purpose of which are to accept corporate or labor organization funds for use in making independent expenditures and to prohibit contributions made for the purpose of influencing a ballot issue from being made to or accepted by an entity that is not subject to campaign finance reporting requirements.

H. B. No. 507-Representative Slesnick.

Cosponsors: Representatives Domenick, Mandel, Garland, Harris, Gardner, Grossman, Driehaus, Weddington, Yuko, Heard, Sykes.

To amend section 135.143 of the Revised Code to alter the authority of the Treasurer of State to invest in single-issuer debt.

H. B. No. 508-Representative Garrison.

Cosponsors: Representatives Bolon, Murray, Weddington, Phillips, Sykes, Williams, B., Patten, Lundy.

To amend sections 4115.13, 4115.133, and 4115.16 of the Revised Code to require the Director of Commerce to investigate a contractor or subcontractor and determine whether an alleged violation of the Prevailing Wage Law has occurred when a settlement agreement has been entered into regarding the alleged violation.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Hall submitted the following report:

The standing committee on Consumer Affairs and Economic Protection to which was referred **H. B. No. 486**-Representatives Lundy, Stebelton, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: SMALL LOAN CONSUMER PROTECTION ACT

Representative Lundy moved to amend as follows:

In line 7, delete "and"; after "1321.99" insert ", and 4712.07 be amended and section 4712.021"; delete "amended" and insert "enacted"

In line 227, after " less" insert " that is made pursuant to a license issued under sections 1321.01 to 1321.19 of the Revised Code or a registration issued under sections 1321.51 to 1321.60 of the Revised Code"

In line 240, after " (E)" insert " No licensee shall require a borrower to obtain membership in an organization or pay a membership fee.

(F)"

In line 648, after " less" insert " that is made pursuant to a license issued under sections 1321.01 to 1321.19 of the Revised Code or a registration issued under sections 1321.51 to 1321.60 of the Revised Code"

Between lines 661 and 662 insert:

" (R) No registrant shall require a borrower to obtain membership in an organization or pay a membership fee."

In line 673, after " (P)," delete " or"; after " (Q)" insert " . or (R)"

Between lines 690 and 691, insert:

" **Sec. 4712.021.** (A) As often as the superintendent of financial institutions considers it necessary, the superintendent may examine the credit services organization's records, including all records created or processed by the organization, pertaining to business transacted pursuant to sections 1321.01 to 1321.19 or sections 1321.51 to 1321.60 of the Revised Code.

(B) A credit services organization shall maintain records pertaining to business transacted pursuant to sections 1321.01 to 1321.19 or sections 1321.51 to 1321.60 of the Revised Code for four years. For purposes of this division, "credit services organization" includes any person whose certificate of registration is cancelled, surrendered, or revoked or who otherwise ceases to engage in business.

No credit services organization shall fail to comply with this division.

Sec. 4712.07. No credit services organization, salesperson, agent, or representative of a credit services organization, or independent contractor that sells or attempts to sell the services of a credit services organization shall do any of the following:

(A) Charge or receive directly or indirectly from a buyer money or other consideration readily convertible into money until all services the organization has agreed to perform for the buyer are completed within the time periods described in division (A)(3) of section 4712.05 of the Revised Code.

(B) Charge or receive directly or indirectly from a buyer money or other consideration readily convertible into money for the referral of the buyer to a person that makes an extension of credit or to a consumer reporting agency, except when credit has actually been extended as a result of that referral;

(C) Make or use a false or misleading representation in the offer or sale of the services of the organization, including either of the following:

(1) Guarantying or otherwise stating that the organization is able to delete an adverse credit history, unless the representation clearly discloses that this can be done only if the credit history is inaccurate or obsolete;

(2) Guarantying or otherwise stating that the organization is able to obtain an extension of credit regardless of the buyer's previous credit problems or credit history, unless the representation clearly discloses the eligibility requirements for obtaining an extension of credit.

(D) Engage, directly or indirectly, in an unconscionable, unfair, or deceptive act or practice, as those terms are used and defined in Chapter 1345. of the Revised Code, in connection with the offer or sale of the services of a credit services organization;

(E)(1) Make or advise a buyer to make a false or misleading statement concerning the buyer's creditworthiness, identification, credit standing, or credit capacity to any of the following:

(a) A consumer reporting agency;

(b) A person that has made an extension of credit to the buyer;

(c) A person to which the buyer is applying for an extension of credit.

(2) Division (E)(1) of this section applies to any statement that the organization, salesperson, agent, representative, or independent contractor knows or should know to be false or misleading through the exercise of reasonable care.

(F) Advertise or cause to be advertised, in any manner, the services of a credit services organization without being registered with the division of financial institutions;

(G) Fail to maintain a statutory agent as required under division (E) of

section 4712.02 of the Revised Code;

(H) Transfer or assign a certificate of registration issued by the division pursuant to section 4712.02 of the Revised Code;

(I) Submit the buyer's disputes to a consumer reporting agency without the buyer's knowledge as evidenced by positive identification, including the buyer's correct current residence address, and written authorization personally signed by the buyer;

(J) Fail to maintain, for a period of time as determined by the superintendent of financial institutions, all of the following:

(1) A log of all contracts;

(2) Copies of each contract;

(3) Documentation that substantiates the validity of the representation made pursuant to division (A)(5) of section 4712.05 of the Revised Code;

(4) Any other record specified by the superintendent.

(K) Contact a consumer reporting agency, by telephone or otherwise, for the purpose of submitting or obtaining information relative to any buyer, and state or imply that he or she is the buyer or the buyer's attorney, guardian, or other legal representative;

(L) Engage, directly or indirectly, in any fraudulent or deceptive act, practice, or course of business in connection with the offer or sale of the services of a credit services organization including knowingly acting in or abetting a scheme to create an evasion of restrictions on fees or charges as set forth in Chapter 1321. of the Revised Code."

In line 692, delete "and"; after "1321.99" insert ", and 4712.07"

In line 2 of the title, delete "and"; after "1321.99" insert ", and 4712.07 and to enact section 4712.021"

The motion was agreed to and the bill so amended.

MATT LUNDY
ROBIN BELCHER
STEPHEN DYER
VERNON SYKES

MICHAEL J. SKINDELL
TED CELESTE
DAN STEWART

The following members voted "NO"

DAVE HALL
BILL COLEY
CLIFF HITE

KEVIN BACON
ROBERT HACKETT
JAMES ZEHRINGER

The report was agreed to.

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

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. 489 - Representatives Boose and Sears, et al
TO PROHIBIT REQUIRING AN INDIVIDUAL TO OBTAIN OR
MAINTAIN A POLICY OF HEALTH INSURANCE.
To the committee on Health

H.B. No. 490 - Representatives Dyer and Coley, et al
TO ADOPT THE REVISIONS TO THE GENERAL PROVISIONS AND
DOCUMENTS OF TITLE PORTIONS OF THE UNIFORM COMMERCIAL
CODE THAT WERE RECOMMENDED BY THE NATIONAL
CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS
AND TO MAKE RELATED CHANGES IN THE UNIFORM
COMMERCIAL CODE AND THE REVISED CODE.
To the committee on Financial Institutions, Real Estate and Securities

H.B. No. 491 - Representative Coley, et al
TO PERMIT PROPERTY TAX COMPLAINTS TO BE INITIATED ONLY
BY THE PROPERTY OWNER.
To the committee on Ways and Means

H.B. No. 492 - Representative Coley, et al
TO REMOVE THE MINIMUM POPULATION CRITERION GOVERNING
WHICH COUNTIES MAY EMPLOY DELINQUENT REAL PROPERTY
TAX COLLECTORS, THEREBY ALLOWING COUNTIES WITH
POPULATIONS BELOW 200,000 TO EMPLOY SUCH COLLECTORS.
To the committee on Local Government/Public Administration

H.B. No. 493 - Representative Chandler, et al
RELATIVE TO TRAFFICKING IN PERSONS.
To the committee on Criminal Justice

H.B. No. 494 - Representatives Stebelton and Maag, et al
TO ALLOW MORE TIME FOR THE ADOPTION OF STANDARDS AND
MODEL CURRICULA FOR SCIENCE, SOCIAL STUDIES, AND
FINANCIAL LITERACY AND ENTREPRENEURSHIP.
To the committee on Education

H.B. No. 495 - Representatives Book and Dodd

TO IMPLEMENT THE RECOMMENDATIONS OF THE SUNSET REVIEW COMMITTEE BY ABOLISHING, TERMINATING, TRANSFERRING, OR RENEWING VARIOUS AGENCIES AND BY REESTABLISHING THE SUNSET REVIEW COMMITTEE BUT POSTPONING ITS OPERATION UNTIL THE 132ND GENERAL ASSEMBLY, AND TO TERMINATE THE OPERATION OF CERTAIN PROVISIONS OF THIS ACT ON DECEMBER 31, 2016.

To the committee on State Government

H.B. No. 496 - Representative Jordan, et al

TO ASSERT THE STATE'S CLAIM OF SOVEREIGNTY PURSUANT TO THE TENTH AMENDMENT TO THE UNITED STATES CONSTITUTION, TO REQUIRE OHIO RESIDENTS TO REMIT FEDERAL TAXES TO THE TREASURER OF STATE, TO REQUIRE THAT THOSE TAXES BE RETAINED BY THE STATE FOR ITS OWN USE TO THE EXTENT THE GENERAL ASSEMBLY FINDS THAT THE FEDERAL GOVERNMENT PENALIZED THE STATE FOR FAILING TO COMPLY WITH A FEDERAL MANDATE DETERMINED BY THE GENERAL ASSEMBLY TO BE UNCONSTITUTIONAL OR TO THE EXTENT DIRECTED BY A STATEWIDE BALLOT INITIATIVE, AND TO DECLARE AN EMERGENCY.

To the committee on Finance and Appropriations

H.B. No. 497 - Representatives Boose and Balderson, et al

TO REVISE THE LAW GOVERNING HOSPITAL ASSESSMENTS AND TO PROVIDE THAT THE PROVISIONS OF THIS ACT TERMINATE ON OCTOBER 1, 2011.

To the committee on Finance and Appropriations

H.B. No. 498 - Representative Hollington, et al

TO REDUCE THE MAXIMUM EFFECTIVE INCOME TAX RATE APPLICABLE TO UNEARNED INCOME OF PERSONS AGE 70 1/2 YEARS OR OLDER TO 1%.

To the committee on Ways and Means

H.B. No. 499 - Representative Yuko, et al

TO REVISE THE TYPES OF COSTS INCLUDED IN DETERMINING NURSING FACILITIES' MEDICAID REIMBURSEMENT RATES.

To the committee on Finance and Appropriations

H.B. No. 500 - Representative Yuko, et al

TO REQUIRE PUBLIC SCHOOLS TO PROVIDE CONCENTRATED INSTRUCTION IN SUBSTANCE ABUSE PREVENTION DURING MAY, TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT GUIDELINES FOR THE DEVELOPMENT OF A SUBSTANCE ABUSE PREVENTION CURRICULUM, AND TO DESIGNATE MAY AS "SUBSTANCE ABUSE AWARENESS AND EDUCATION MONTH."

To the committee on Education

H.B. No. 501 - Representative Harris, et al

REGARDING LEAD ABATEMENT AND LEAD-SAFE RENOVATION.

To the committee on Public Safety and Homeland Security

H.B. No. 502 - Representative Grossman, et al

TO PROHIBIT AN URBAN SCHOOL DISTRICT THAT IS A PARTY TO AN ANNEXATION AGREEMENT FROM DECLINING TO EXTEND THE AGREEMENT.

To the committee on Education

H.B. No. 503 - Representatives Bubp and Garrison

REGARDING THE LIABILITY OF OWNERS OF CERTAIN ANIMALS THAT ARE RUNNING AT LARGE.

To the committee on Agriculture and Natural Resources

H.B. No. 504 - Representatives Foley and Hagan

TO REQUIRE A CANDIDATE FOR A STATEWIDE, NONJUDICIAL OFFICE TO FILE A SWORN STATEMENT IDENTIFYING THE CANDIDATE'S NET WORTH, ASSETS AND LIABILITIES, REAL PROPERTY, AND INTANGIBLE PERSONAL PROPERTY, AND TO REQUIRE THAT STATEMENT TO BE ACCOMPANIED BY EITHER A COPY OF THE CANDIDATE'S LAST FOUR FEDERAL INCOME TAX RETURNS OR A SWORN STATEMENT IDENTIFYING THE SOURCE AND AMOUNT OF THE CANDIDATE'S INCOME FOR THE PAST FOUR YEARS.

To the committee on Elections and Ethics

H.B. No. 505 - Representative Heard, et al

TO AUTHORIZE A BOARD OF COUNTY COMMISSIONERS TO PROVIDE FOR A HEALTH AND WELLNESS BENEFIT PROGRAM FOR ITS OFFICERS AND EMPLOYEES, WHICH MAY BE OFFERED THROUGH A CAFETERIA PLAN MEETING THE REQUIREMENTS OF THE INTERNAL REVENUE CODE.

To the committee on Local Government/Public Administration

H.B. No. 506 - Representatives Goyal and Murray, et al

TO REGULATE INDEPENDENT EXPENDITURES BY CORPORATIONS, LABOR ORGANIZATIONS, AND ENTITIES THE PRIMARY PURPOSE OF WHICH ARE TO ACCEPT CORPORATE OR LABOR ORGANIZATION FUNDS FOR USE IN MAKING INDEPENDENT EXPENDITURES AND TO PROHIBIT CONTRIBUTIONS MADE FOR THE PURPOSE OF INFLUENCING A BALLOT ISSUE FROM BEING MADE TO OR ACCEPTED BY AN ENTITY THAT IS NOT SUBJECT TO CAMPAIGN FINANCE REPORTING REQUIREMENTS.

To the committee on Elections and Ethics

H.B. No. 507 - Representative Slesnick, et al

TO ALTER THE AUTHORITY OF THE TREASURER OF THE STATE TO INVEST IN SINGLE-ISSUER DEBT.

To the committee on Finance and Appropriations

H.B. No. 508 - Representative Garrison, et al

TO REQUIRE THE DIRECTOR OF COMMERCE TO INVESTIGATE A CONTRACTOR OR SUBCONTRACTOR AND DETERMINE WHETHER AND ALLEGED VIOLATION OF THE PREVAILING WAGE LAW HAS OCCURRED WHEN A SETTLEMENT AGREEMENT HAS BEEN ENTERED INTO REGARDING THE ALLEGED VIOLATION.

To the committee on Commerce and Labor

H.J.R. No. 16 - Representative Schneider, et al

TO ELIMINATE THE AGE AT AND AFTER WHICH A PERSON MAY NOT BE ELECTED OR APPOINTED TO A JUDICIAL OFFICE.

To the committee on Judiciary

T. TODD BOOK
BARBARA BOYD
MATT LUNDY
CHERYL GROSSMAN

JOSEPH KOZIURA
TIMOTHY J. DEGEETER
RANDY GARDNER

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

H.C.R. No. 36 - Representatives Martin and J. Adams, et al

TO URGE THE CONGRESS OF THE UNITED STATES TO PASS SENATE JOINT RESOLUTION 26, WHICH PROPOSES TO INVALIDATE REGULATIONS OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY RELATED TO GREENHOUSE GASES.

To the committee on Environment and Brownfield Development

H.C.R. No. 37 - Representative Yuko, et al

TO SUPPORT THE RIGHTS OF MACEDONIANS LIVING IN THE BALKANS TO SPEAK THEIR LANGUAGE, TO PRACTICE THEIR CUSTOMS, AND TO BE GRANTED ALL OF THE CIVIL AND HUMAN

RIGHTS REQUIRED BY INTERNATIONAL LAW.

To the committee on State Government

/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 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. 268 - Representatives Gardner, Murray

Honoring Bowling Green State University on its Centennial.

H.R. No. 269 - Representative Huffman

Honoring Krissy Cave as a state winner of the American legion Americanism and Government Test Program.

H.R. No. 270 - Representative Pryor

Recognizing April 2010 as the Month of the Military Child in Ohio.

H.R. No. 271 - Representative Phillips

Honoring the Ohio University men's basketball team as the 2010 Mid-American Conference Champion.

Add the name: Book

H.R. No. 272 - Representative Phillips

Honoring Mena Keirns as the "Why I Say 'No' to Drugs" state champion.

H.R. No. 273 - Representative Gerberry

Honoring Nicole Cirbus as a 2010 State Speech and Debate Tournament Champion.

H.R. No. 274 - Representative Gerberry

Honoring Riaz Fabian as a 2010 State Speech and Debate Tournament Champion.

H.R. No. 275 - Representative Gerberry

Honoring Maggie Wagner as a 2010 State Speech and Debate Tournament Champion.

H.R. No. 276 - Representatives Ruhl, Stautberg

Honoring the Kenyon College Men's Swimming Team on winning the 2010 NCAA Division III Men's Swimming and Diving Championship.

H.R. No. 277 - Representative Ruhl

Honoring the YMCA Rockets All-Star cheerleading squad as the 2010 Arnold National Champion.

H.R. No. 278 - Representative Luckie

Honoring the University of Dayton men's basketball team on winning the 2010 National Invitational Tournament Championship.

Add the names: Book and Gardner

H.R. No. 279 - Representative Luckie

Honoring the Jefferson Township High School boys basketball team as the 2010 Division IV State Champion.

H.R. No. 280 - Representative Luckie

Honoring the Dunbar High School boys basketball team as the 2010 Division II State Champion.

H.R. No. 281 - Representative Hite

Honoring Seth Butler on winning the boys 800-meter run at the 2010 Division III State Indoor Track and Field Championship.

H.R. No. 282 - Representative Hite

Honoring the Liberty-Benton High School girls basketball team as the 2010 Division III State Champion.

Add the name: Gardner

H.R. No. 283 - Representative Hite

Honoring Jackie Leppelmeir on winning the 2010 Division III State Indoor Championship in shot put.

H.R. No. 284 - Representatives Hite, Gardner

Honoring Aaron Craft as the 2009-2010 All-Ohio Division III Player of the Year in boys basketball.

H.R. No. 285 - Representative Oelslager

Honoring the Jackson High School speech and debate team as the 2010 Ohio High School Speech League State Tournament Champion.

H.R. No. 286 - Representative Oelslager

Honoring the Jackson High School boys basketball team as the 2010 Division I State Champion.

H.R. No. 287 - Representative Bolon

Honoring Hannah Hephner as the 2009 Pre-Teen Ohio in the Junior Division.

H.R. No. 288 - Representative Balderson

Honoring Kelly Ash as the 2010 NCAA Division II National Indoor Women's Shot Put Champion.

H.R. No. 289 - Representative Maag

Honoring the Indian Hill High School Mock Trial team as the 2010 State Champion.

H.R. No. 290 - Representative Combs

Honoring Rhythm Express as the 2010 Show Choir National Champion.

H.R. No. 291 -Representative Sears

Honoring the Anthony Wayne High School cheerleading squad on winning the 2010 OASSA Division I Class AAA Mount State Championship.

Add the name: Gardner

H.R. No. 292 - Representative Martin

Honoring Dr. Marian Kazimierczuk as a Polish National Professor of Technical Sciences.

H.R. No. 293 - Representative Schneider

Honoring Katie Spotz as the youngest person to row across the ocean alone.

H.R. No. 294 - Representatives Martin, Blair

Honoring Mark Schumacker as the 2010 EUREKA Educator of the Year.

H.R. No. 295 - Representative Martin

Honoring Megan Gill as a 2010 State Gymnastics Champion.

H.R. No. 296 - Representatives Huffman, Hite

Honoring Heather Lutz as McDonald's 2010 Crew Person of the Year for Ohio.

H.R. No. 297 - Representative Huffman

Honoring Tyler Obringer as a 2010 OHSAA Division III State Wrestling Champion.

H.R. No. 298 -Representative Lehner

Honoring the Fairmont High School Real World Design team on placing first at the 2010 Ohio Real World Design Challenge.

H.R. No. 299 - Representatives Reece, Book

Honoring Amanda Tempel as Miss Ohio USA 2010.

H.R. No. 300 - Representative Fende

Honoring the Willoughby South High School Academic Decathlon team on winning the 2010 State Championship.

H.R. No. 301 - Representative Huffman

Honoring the Shawnee High School ninth- and tenth-grade JETS team on winning the 2010 JETS TEAMS competition.

/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, May 12, 2010 at 1:30 p.m.

Attest:

THOMAS L. SHERMAN,
Clerk.