

OHIO

House

of

Representatives

JOURNAL

TUESDAY, JUNE 1, 2010

ONE HUNDRED EIGHTY-SIXTH DAY
Hall of the House of Representatives, Columbus, Ohio
Tuesday, June 1, 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 Skindell 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. 540-Representative Slesnick.

Cosponsors: Representatives Evans, Letson, Newcomb, Pillich.

To amend sections 1901.261, 1901.31, 1907.20, 1907.26, 1907.261, 2101.162, 2151.541, 2301.031, 2303.08, 2303.201, and 2303.22 and to enact sections 117.102, 1901.263, 1907.263, 2303.202, 2303.203, and 5747.124 of the Revised Code to increase from ten dollars to twenty dollars the fee for the computerization of the office of the clerks of the municipal, the county, and common pleas courts, to require that all moneys collected by the clerk of a court be paid to the appropriate person, fund, or entity on or before the twentieth day of each month, to permit the municipal court, county court, and court of common pleas to collect unpaid court costs, fees, or fines from an obligor's state income tax refund, to require the Auditor of State to create and maintain a chart detailing the distribution of court costs, fees, and fines collected by court clerks, and to create the Committee on Court Costs.

H. B. No. 541-Representatives Foley, Stautberg.

Cosponsors: Representatives Hagan, Skindell, Walter, Blair, Weddington, Murray, DeGeeter, Letson, Harwood, Hollington, Patten, Yuko, Hottinger, Sears, Pryor, Harris.

To enact section 715.021 of the Revised Code to generally authorize municipal corporations and other political subdivisions to enter into agreements to perform services for one another.

Said bills were considered the first time.

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. 238 -Senator Seitz

Cosponsors: Senators Grendell, Cates, Stewart, Jones, Niehaus, Schaffer, Gibbs, Schuring, Buehrer, Hughes, Harris, Patton, Widener

To amend sections 2743.02, 2744.02, 4123.01, and 4123.511 and to enact sections 2307.82, 4123.513, 4123.514, and 4123.515 of the Revised Code to prohibit illegal and unauthorized aliens from receiving compensation and benefits under Ohio's Workers' Compensation Law.

S. B. No. 239 -Senators Jones, Schaffer

Cosponsors: Senators Buehrer, Carey, Cafaro, Faber, Gibbs, Grendell, Husted, Niehaus, Seitz, Wagoner, Cates, Coughlin, Harris, Widener, Wilson

To amend sections 2923.121, 2923.128, and 2923.16 of the Revised Code to permit a concealed carry licensee to possess a firearm in liquor permit premises, or an open air arena, for which a D permit has been issued if the licensee is not consuming liquor or under the influence of alcohol or a drug of abuse and to modify the offense of improperly handling firearms in a motor vehicle as it applies to concealed carry licensees.

Am. S. B. No. 247 -Senator Wilson

Cosponsors: Senators Niehaus, Cafaro, Grendell, Buehrer, Coughlin, Seitz, Cates, Harris, Sawyer

To amend sections 2923.13 and 2923.14 of the Revised Code to conform the restoration of civil firearm rights with federal law and U.S. Supreme Court case law; to eliminate the prohibition against persons with certain misdemeanor drug offense convictions acquiring or possessing firearms or dangerous ordnance; and to allow restoration of civil firearm rights for firearms that are dangerous ordnance.

Sub. S. B. No. 240 -Senator Husted

Cosponsors: Senators Grendell, Wagoner, Jones, Cafaro, Faber, Gibbs, Harris, Miller, R., Morano, Sawyer, Schaffer, Smith, Strahorn, Turner, Widener, Wilson, Carey, Kearney

To amend sections 3517.01, 3517.105, 3517.1011, 3517.13, 3517.992, 3599.03, 5727.61, and 5733.27 of the Revised Code to permit domestic corporations and labor organizations to make independent expenditures and electioneering communications in support of or opposition to candidates for nomination or election, to require a domestic corporation or labor organization that makes such expenditures to file related campaign finance statements, to

require reporting of independent expenditures only for expenditures of five hundred dollars or more, to require independent expenditures of ten thousand dollars or more to be reported as electioneering communications, and to revise the definition of a political action committee for the purpose of the Campaign Finance Law.

S. B. No. 250 -Senators Gillmor, Wilson

Cosponsors: Senators Buehrer, Cafaro, Carey, Faber, Gibbs, Seitz, Strahorn, Turner, Coughlin, Fedor, Grendell, Harris, Hughes, Jones, Kearney, Miller, D., Miller, R., Schaffer, Schiavoni, Schuring, Stewart, Wagoner, Widener, Sawyer, Morano, Niehaus, Smith, Husted, Patton

To amend sections 135.631, 135.73, 135.74, and 135.75 of the Revised Code to modify the Agricultural Linked Deposit Program with respect to the maximum amount the Treasurer of State may invest in agricultural linked deposits, the interest rate at which loans are made under the Program, and the maximum loan amount.

Am. S. B. No. 270 -Senators Hughes, Miller, R.

Cosponsors: Senators Goodman, Harris, Schiavoni, Strahorn, Turner, Cates

To establish a dam construction permit pilot program that, with respect to an eligible dam project, establishes permit fee and bonding requirements that are different from the permit fee and bonding requirements otherwise required under applicable law.

Am. S. B. No. 242 -Senators Grendell, Gillmor

Cosponsors: Senators Buehrer, Schaffer, Husted, Seitz, Widener, Faber, Schuring, Carey, Cates, Gibbs, Harris, Hughes, Jones, Patton, Wagoner

To amend section 2919.121 of the Revised Code to revise the procedures governing a hearing by which a court may permit a pregnant minor to consent to an abortion or by which a court may give judicial consent for a pregnant minor to have an abortion and to require a court to make its findings with respect to such a hearing by clear and convincing evidence.

Attest:

Vincent L. Keeran,
Clerk.

Said bills were considered the first time.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has adopted the following concurrent resolution in which the concurrence of the House is requested:

S. C. R. No. 25 -Senator Gibbs

Cosponsors: Senators Buehrer, Seitz, Schuring, Schaffer, Carey, Coughlin, Gillmor, Goodman, Grendell, Harris, Hughes, Jones, Patton, Wagoner, Widener

To memorialize the Congress and the Administration of the United States to maintain the current capital gains tax treatment or classification for tax purposes of promoted or carried interest used by real estate partnerships.

Attest:

Vincent L. Keeran,
Clerk.

Said concurrent resolution was referred to the committee on Rules and Reference under the Rule.

Message from the Speaker

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes changes to the following committees:

Public Utilities: appoint Representative Szollosi (Chair).

Elections and Ethics: remove Representatives Garrison and Mallory; appoint Representatives Brown and Foley.

On motion of Representative Moran, the House recessed.

The House met pursuant to recess.

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

Representative Mecklenborg submitted the following report:

The standing committee on Elections and Ethics to which was referred **H. B. No. 504**-Representatives Foley, Hagan, having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: CANDIDATE FINANCIAL INFORMATION

Representative Okey moved to amend as follows:

Between lines 243 and 244, insert:

" (E) The Ohio ethics commission promptly shall make available on its web site all information filed with the commission under division (A) of this section."

The motion was agreed to and the bill so amended.

DAN STEWART	MARK D. OKEY
T. TODD BOOK	EDNA BROWN
TIMOTHY J. DEGEETER	MIKE FOLEY
RON GERBERRY	

The following members voted "NO"

RICHARD ADAMS	DAVID DANIELS
ROBERT HACKETT	SETH MORGAN

The report was agreed to.

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

Representative Lundy submitted the following report:

The standing committee on Rules and Reference to which was referred **Sub. H. B. No. 323**-Representative Murray, et al., having had the same under consideration, recommends its re-referral to the committee on Housing and Urban Revitalization.

RE: FORECLOSURE AND NUISANCE ABATEMENT ACTIONS

T. TODD BOOK	JOSEPH KOZIURA
MATT LUNDY	TIMOTHY J. DEGEETER
BARBARA BOYD	

The report was agreed to.

The bill was ordered to be engrossed and rereferred to the committee on Housing and Urban Revitalization.

Representative Koziura 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. 535 - Representative DeBose, et al
TO CREATE "MILITARY SACRIFICE" LICENSE PLATES.
To the committee on Transportation and Infrastructure

H.B. No. 536 - Representative DeBose

TO DESIGNATE THE PORTION OF INTERSTATE 480 LOCATED WITHIN GARFIELD HEIGHTS IN CUYAHOGA COUNTY THE "CORPORAL BRAD ANTHONY DAVIS MEMORIAL HIGHWAY."

To the committee on Transportation and Infrastructure

H.B. No. 537 - Representative Grossman

TO REQUIRE EACH PERSON UNDER EIGHTEEN YEARS OF AGE APPLYING FOR A DRIVER'S LICENSE TO COMPLETE A FIRST-AID AND CARDIOPULMONARY RESUSCITATION TRAINING COURSE.

To the committee on Public Safety and Homeland Security

H.B. No. 538 - Representative Baker

TO INCREASE FROM \$5,000 TO \$100,000 THE PENALTY FOR MAKING A FALSE STATEMENT IN CAMPAIGN MATERIALS RELATED TO THE NOMINATION OR ELECTION OF A STATEWIDE OR GENERAL ASSEMBLY CANDIDATE IF ADDITIONAL PUBLICATIONS OF THE CAMPAIGN MATERIALS CONTAINING THE FALSE STATEMENT ARE MADE AFTER A PANEL OF THE ELECTIONS COMMISSION HAS DETERMINED THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE CAMPAIGN MATERIALS CONTAIN A FALSE STATEMENT, AND TO REQUIRE THE PERSON WHO MADE THE FALSE STATEMENT TO PAY THE COMPLAINANT'S REASONABLE ATTORNEY'S FEES.

To the committee on Elections and Ethics

H.B. No. 539 - Representative Daniels, et al

TO PERMIT A BOARD OF ELECTIONS THAT CONDUCTS A SPECIAL ELECTION ON JULY 13, 2010, FOR THE PURPOSE OF NOMINATING CANDIDATES FOR CONGRESSIONAL OFFICE TO CONDUCT THAT ELECTION WITH A LIMITED NUMBER OF POLLING PLACES AND TO DECLARE AN EMERGENCY.

To the committee on Election and Ethics

Am. Sub. S.B. No. 204 - Senator Wagoner, et al

TO ENACT SECTIONS 4517.541 AND 4517.542 OF THE REVISED CODE RELATIVE TO THE TERMINATION OF FRANCHISES AND PROHIBITED ACTS UNDER THE MOTOR VEHICLE DEALERS LAW.

To the committee on Civil and Commercial Law

Am. Sub. S.B. No. 263 - Senator Faber, et al

TO CREATE THE OHIO CASINO CONTROL COMMISSION AND RELATED PROVISIONS AND TO SET FORTH CASINO GAMING STATUTES UNDER OHIO CONSTITUTION, ARTICLE XV, SECTION 6(C).

To the committee on Finance and Appropriations

S.B. No. 238 - Senator Seitz, et al

TO PROHIBIT ILLEGAL AND UNAUTHORIZED ALIENS FROM RECEIVING COMPENSATION AND BENEFITS UNDER OHIO'S

WORKERS' COMPENSATION LAW.

To the committee on Insurance

S.B. No. 239 - Senators Jones and Schaffer, et al

TO PERMIT A CONCEALED CARRY LICENSEE TO POSSESS A FIREARM IN LIQUOR PERMIT PREMISES, OR AN OPEN AIR ARENA, FOR WHICH A D PERMIT HAS BEEN ISSUED IF THE LICENSEE IS NOT CONSUMING LIQUOR OR UNDER THE INFLUENCE OF ALCOHOL OR A DRUG OF ABUSE AND TO MODIFY THE OFFENSE OF IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE AS IT APPLIES TO CONCEALED CARRY LICENSEES.

To the committee on Public Safety and Homeland Security

Am. S.B. No. 247 - Senator Wilson, et al

TO CONFORM THE RESTORATION OF CIVIL FIREARM RIGHTS WITH FEDERAL LAW AND U.S. SUPREME COURT CASE LAW; TO ELIMINATE THE PROHIBITION AGAINST PERSONS WITH CERTAIN MISDEMEANOR DRUG OFFENSE CONVICTIONS ACQUIRING OR POSSESSING FIREARMS OR DANGEROUS ORDNANCE; AND TO ALLOW RESTORATION OF CIVIL FIREARM RIGHTS FOR FIREARMS THAT ARE DANGEROUS ORDNANCE.

To the committee on Public Safety and Homeland Security

Sub. S.B. No. 240 - Senator Husted, et al

TO PERMIT DOMESTIC CORPORATIONS AND LABOR ORGANIZATIONS TO MAKE INDEPENDENT EXPENDITURES AND ELECTIONEERING COMMUNICATIONS IN SUPPORT OF OR OPPOSITION TO CANDIDATES FOR NOMINATION OR ELECTION, TO REQUIRE A DOMESTIC CORPORATION OR LABOR ORGANIZATION THAT MAKES SUCH EXPENDITURES TO FILE RELATED CAMPAIGN FINANCE STATEMENTS, TO REQUIRE REPORTING OF INDEPENDENT EXPENDITURES ONLY FOR EXPENDITURES OF FIVE HUNDRED DOLLARS OR MORE, TO REQUIRE INDEPENDENT EXPENDITURES OF TEN THOUSAND DOLLARS OR MORE TO BE REPORTED AS ELECTIONEERING COMMUNICATIONS, AND TO REVISE THE DEFINITION OF A POLITICAL ACTION COMMITTEE FOR THE PURPOSE OF THE CAMPAIGN FINANCE LAW.

To the committee on Election and Ethics

S.B. No. 250 - Senators Gillmor and Wilson, et al

TO MODIFY THE AGRICULTURAL LINKED DEPOSIT PROGRAM WITH RESPECT TO THE MAXIMUM AMOUNT THE TREASURER OF STATE MAY INVEST IN AGRICULTURAL LINKED DEPOSITS, THE INTEREST RATE AT WHICH LOANS ARE MADE UNDER THE PROGRAM, AND THE MAXIMUM LOAN AMOUNT.

To the committee on Finance and Appropriations

Am. S.B. No. 270 - Senators Hughes and R. Miller, et al

TO ESTABLISH A DAM CONSTRUCTION PERMIT PILOT PROGRAM THAT, WITH RESPECT TO AN ELIGIBLE DAM PROJECT, ESTABLISHES PERMIT FEE AND BONDING REQUIREMENTS THAT ARE DIFFERENT FROM THE PERMIT FEE AND BONDING REQUIREMENTS OTHERWISE REQUIRED UNDER APPLICABLE LAW.

To the committee on Agriculture and Natural Resources

Am. S.B. No. 242 - Senators Grendell and Gillmor, et al

TO REVISE THE PROCEDURES GOVERNING A HEARING BY WHICH A COURT MAY PERMIT A PREGNANT MINOR TO CONSENT TO AN ABORTION OR BY WHICH A COURT MAY GIVE JUDICIAL CONSENT FOR A PREGNANT MINOR TO HAVE AN ABORTION AND TO REQUIRE A COURT TO MAKE ITS FINDINGS WITH RESPECT TO SUCH A HEARING BY CLEAR AND CONVINCING EVIDENCE.

To the committee on Judiciary

T. TODD BOOK
BARBARA BOYD
MATT LUNDY

JOSEPH KOZIURA
TIMOTHY J. DEGEETER

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

H.R. No. 322 - Representative Goyal

Recognizing Mental Health Awareness Month in Ohio, May 2010.

Add the name: Boyd

H.R. No. 323 - Representative Baker

Honoring Nikki Craft as a 2010 Division II State Diving Gold Medalist.

H.R. No. 324 - Representative Goodwin

Honoring B.J. Miller as a 2010 Division II State Wrestling Champion.

H.R. No. 325 - Speaker Budish, Representatives Batchelder, Adams, J., Adams, R., Amstutz, Bacon, Baker, Balderson, Beck, Belcher, Blair, Blessing, Bolon, Book, Boose, Boyd, Brown, Bulp, 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, Hollington, 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, Reece, Ruhl, Schneider, Sears, Skindell, Slesnick, Snitchler, Stautberg, Stebelton, Stewart, Sykes, Szollosi, Uecker, Wachtmann, Wagner, Walter, Weddington, Williams, B., Williams, S., Winburn, Yuko, Zehringer

Honoring Representative Allan R. Sayre for outstanding service to the Ohio House of Representatives.

H.R. No. 326 - Representatives Celeste, Heard

Honoring the Ohio Air Quality Development Authority on its Fortieth Anniversary.

/s/ TODD BOOK
Todd Book, Chair

Representative Book 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:

Sub. H. B. No. 215 -Representatives Letson, Mecklenborg
Cosponsors: Representatives Hagan, Luckie, Fende, Mallory, Gardner, Lehner, Garland, Boyd, Yuko, Snitchler, Huffman, Bacon, Winburn, Amstutz, Batchelder, Beck, Belcher, Blair, Bolon, Book, Boose, Brown, Bulp, Burke, Combs, DeBose, DeGeeter, Derickson, Domenick, Dyer, Evans, Garrison, Gerberry, Goodwin, Hackett, Hall, Harris, Hite, Jordan, Lundy, McClain, McGregor, Newcomb, Oelslager, Patten, Ruhl, Sayre, Sears, Stebelton, Stewart, Uecker, Wagner, Zehringer Senators Morano, Smith, Fedor, Gibbs, Goodman, Harris, Hughes, Patton, Schaffer, Schiavoni, Schuring, Seitz, Wagoner, Wilson, Miller, R., Strahorn

To amend sections 119.12, 4715.03, 4715.031, 4715.06, 4715.14, 4715.141, 4715.30, and 4753.06 and to enact sections 4715.032, 4715.033, 4715.034,

4715.035, 4715.036, 4715.037, 4715.038, 4715.039, 4715.0310, 4753.091, and 5111.0211 of the Revised Code and to contingently amend Section 3 of Sub. H.B. 190 of the 128th General Assembly to modify the laws governing investigations and hearings conducted by the State Dental Board, to modify the laws specifying when certain continuing education requirements for dental hygienists are applicable, to modify the laws governing the licensure of audiologists and speech-language pathologists, to modify the laws governing appeals of administrative adjudications, and to specify a situation in which a nursing facility is not required to submit a Medicaid claim for Medicare cost-sharing expenses.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

Vincent L. Keeran,
Clerk.

The Senate amendments were laid over under the Rule.

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:

Sub. H. B. No. 292 -Representatives Letson, Oelslager
Cosponsors: Representatives Yuko, Phillips, Ujvagi, Harwood, Domenick, Stebelton, Chandler, Luckie, Foley, Batchelder, Blessing, Boose, Boyd, Brown, Bulp, Carney, Combs, DeBose, Evans, Garland, Garrison, Hackett, Harris, Huffman, Maag, Mallory, Mecklenborg, Murray, Pillich, Sayre, Snitchler, Stewart, Wagner, Winburn Senators Kearney, Buehrer, Carey, Faber, Fedor, Gibbs, Gillmor, Harris, Hughes, Niehaus, Patton, Schaffer, Schiavoni, Seitz, Turner, Wagoner, Wilson, Miller, R.

To amend sections 119.01, 1125.19, 1125.28, 1157.01, 1165.01, 5307.11, 5307.12, 5307.13, 5307.14, and 5307.16; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 1157.01 (1157.09) and 1165.01 (1165.09); to enact new sections 1157.01, 1157.03 to 1157.06, 1157.10 to 1157.14, 1157.17 to 1157.29, 1165.01, 1165.03 to 1165.06, 1165.10 to 1165.14, and 1165.17 to 1165.29 and sections 1157.30, 1157.33, 1165.30, 1165.33, and 5301.057; and to repeal sections 1157.02 to 1157.29 and 1165.02 to 1165.29 of the Revised Code relative to liquidations and conservatorships of banks, savings and loan associations, and savings banks, to prohibit transfer fee covenants in certain real estate transactions, and to enable a court of common pleas to order a licensed auctioneer to conduct a sale of real property pursuant to a writ of partition.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

Vincent L. Keeran,
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Speaker

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes changes to the following committees:

Agriculture and Natural Resources: appoint Representative Phillips.

Commerce and Labor: remove Representatives Walter and Letson; appoint Representatives Brown and Hagan.

Health: remove Representatives Szollosi, Foley, and Hagan; appoint Representatives Brown, Slesnick, and Driehaus.

On motion of Representative Book, the House adjourned until Wednesday, June 2, 2010 at 9:00 o'clock a.m.

Attest:

THOMAS L. SHERMAN,
Clerk.