

OHIO

House

of

Representatives

JOURNAL

TUESDAY, NOVEMBER 17, 2009

ONE HUNDRED SIXTH DAY
Hall of the House of Representatives, Columbus, Ohio
Tuesday, November 17, 2009, 9:00 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 the previous legislative day was read and approved.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 367-Representative Yates.

To enact section 3379.071 of the Revised Code to require the Ohio Arts Council to receive one per cent of biennial general revenue fund appropriations.

H. B. No. 368-Representative Yates.

To enact section 1503.061 of the Revised Code to create the Ohio Tree Fund to be used to reforest land that is owned by the state.

H. B. No. 369-Representative Luckie.

Cosponsors: Representatives Domenick, Okey, Fende, Lehner.

To amend sections 2950.03, 2950.04, 2950.041, and 2950.05 of the Revised Code to require that a person who registers under the Sex Offender Registration and Notification Law and who does not have a fixed residence address be monitored by an active global positioning system device until the person acquires a fixed residence address.

H. B. No. 370-Representative Garrison.

Cosponsors: Representatives Dyer, Williams, B., Book, Phillips, Murray, Harris, Pryor, Domenick, DeBose, Gerberry, Luckie, Garland.

To amend sections 3301.0714 and 3314.013, to enact sections 3301.94, 3314.23, and 3333.0410, and to repeal section 3314.033 of the Revised Code to lift the moratorium on Internet- or computer-based community schools, to require the State Board of Education to adopt by rule its recommended standards for those schools and other electronic educational courses, to permit the Department of Education and the Chancellor of the Board of Regents to establish a longitudinal student data system and to declare an emergency.

H. B. No. 371-Representatives Pillich, Belcher.

Cosponsors: Representatives Amstutz, Bacon, Bolon, Boyd, Celeste, Chandler, Combs, DeGeeter, Domenick, Fende, Foley, Garland, Hackett, Hagan, Harris, Letson, Murray, Newcomb, Okey, Patten, Phillips, Skindell, Ujvagi, Wagner, Weddington, Williams, B., Williams, S., Yuko.

To amend sections 109.65, 109.73, 109.741, 109.77, 109.79, 109.93, 121.37, 121.38, 307.021, 307.86, 340.15, 2101.17, 2151.011, 2151.03, 2151.10, 2151.141, 2151.18, 2151.23, 2151.24, 2151.27, 2151.28, 2151.281, 2151.282, 2151.31, 2151.312, 2151.314, 2151.33, 2151.331, 2151.35, 2151.353, 2151.359, 2151.3514, 2151.3517, 2151.3520, 2151.3521, 2151.3522, 2151.3523, 2151.3524, 2151.3527, 2151.36, 2151.40, 2151.412, 2151.414, 2151.421, 2151.423, 2151.425, 2151.426, 2151.427, 2151.428, 2151.44, 2151.54, 2151.56, 2151.65, 2151.86, 2151.99, 2152.02, 2152.19, 2152.71, 2301.03, 2317.01, 2317.02, 2501.02, 2710.05, 2901.13, 2919.21, 2919.22, 2919.23, 2921.14, 2921.32, 2927.02, 2930.01, 2945.42, 3101.01, 3107.013, 3107.034, 3107.12, 3107.161, 3109.04, 3109.051, 3109.052, 3109.11, 3109.12, 3109.13, 3109.15, 3109.16, 3109.17, 3109.171, 3109.172, 3109.18, 3109.46, 3109.51, 3109.53, 3109.58, 3109.66, 3109.68, 3109.74, 3109.77, 3113.31, 3127.01, 3127.23, 3127.38, 3301.121, 3301.54, 3301.56, 3313.64, 3313.662, 3321.17, 3321.19, 3321.22, 3701.503, 3730.01, 4501.21, 5101.13, 5101.28, 5101.46, 5103.04, 5103.07, 5103.12, 5103.13, 5103.161, 5103.18, 5104.011, 5104.06, 5104.11, 5107.02, 5107.10, 5111.88, 5120.173, 5122.39, 5123.93, 5139.05, 5153.122, 5153.123, 5153.16, 5153.171, 5153.172, 5153.175, and 5153.52, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 2151.011 (2151.03) and 2151.03 (2151.45), to enact new section 2151.031, and sections 2151.02, 2151.021, 2151.032, 2151.033, 2151.034, 2151.035, 2151.036, 2151.037, and 2151.351, and to repeal sections 2151.031, 2151.04, and 2151.05 of the Revised Code to establish the category of a child in need of protective services and to generally replace the terms "abused child," "neglected child," and "dependent child" as they apply to civil law with the term "child in need of protective services."

H. B. No. 372-Representatives Amstutz, Yuko.

Cosponsors: Representatives Blessing, Chandler, Combs, Derickson, Evans, Grossman, Lehner, Murray, Okey.

To amend sections 1548.20, 4505.13, and 4519.68 of the Revised Code to require a secured party to convey a physical certificate of title to the owner of a watercraft, outboard motor, motor vehicle, off-highway motorcycle, or all-purpose vehicle upon discharge of all security interests.

H. B. No. 373-Representatives Carney, Wachtmann.

Cosponsors: Representatives Chandler, Fende, Gardner, Harris, Hite, Hottinger.

To amend sections 3301.079, 3301.0714, 3302.02, 3302.03, 3313.603, 3313.813, 3313.814, 3314.03, 3314.18, 3326.11, and 3326.13 and to enact sections 3301.91, 3301.92, 3301.921, 3301.922, 3313.6016, 3313.674, 3313.816, 3313.817, 3319.076, and 3319.227 of the Revised Code to establish nutritional standards for certain foods and beverages sold in public and chartered nonpublic schools; to require public school students to have periodic body mass index measurements; to require daily physical activity for public school students and to make other changes regarding physical education; and to establish the Healthy Choices for Healthy Children Council.

H. B. No. 374-Representative Fende.
Cosponsors: Representatives Boyd, Letson, Yuko, Bolon.

To enact section 5.033 of the Revised Code to adopt the Ohio brook trout as the state fish.

Said bills were considered the first time.

The following joint resolutions were introduced:

H. J. R. No. 8-Representative Yates.

Proposing to amend Section 2 of Article II and Section 9 of Article V of the Ohio Constitution to eliminate the term limits and restrictions on returning to office that apply to members of the General Assembly.

H. J. R. No. 9-Representatives Huffman, Yates.
Cosponsors: Representatives Murray, Blessing, Skindell, Pillich, Hagan, Amstutz, Fende, Ujvagi, Domenick.

Proposing to amend Section 6 of Article IV and to repeal Sections 19 and 22 of Article IV of the Constitution of Ohio to change the age at and after which a person may not be elected or appointed to a judicial office and to eliminate the authority of the General Assembly to establish courts of conciliation and to reappoint a Supreme Court commission.

Said joint resolutions were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Snitchler submitted the following report:

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

RE: FORECLOSURE AND NUISANCE ABATEMENT ACTIONS

TED CELESTE	TODD SNITCHLER
RON MAAG	LOUIS W. BLESSING
JAY HOTTINGER	JARROD MARTIN
DENNIS MURRAY	CONNIE PILLICH
MIKE FOLEY	ROBERT F. HAGAN
DEBBIE PHILLIPS	RON AMSTUTZ

The report was agreed to.

The bill was ordered to be engrossed and rereferred to the committee on Rules and Reference.

On motion of Representative Lundy, the House recessed.

The House met pursuant to recess.

Representative Koziura submitted the following report:

The standing committee on Rules and Reference to which was re-referred **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	JOHN ADAMS
LOUIS W. BLESSING	

The report was agreed to.

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

Representative Blessing reported for the Rules and Reference Committee recommending that the following House Bills be considered for the second time and referred to the following committees for consideration.

H.B. No. 354 - Representative Yates
RELATIVE TO THE POSTING OF DEBIT CARD TRANSACTIONS
AGAINST A BANK ACCOUNT.

To the committee on Financial Institutions, Real Estate and Securities

H.B. No. 355 - Representative Yates
TO PROHIBIT BANKS FROM IMPOSING MINIMUM BALANCE

REQUIREMENTS OR CHARGES FOR PROVIDING CHECK CASHING AND BILL PROCESSING SERVICES IN CONNECTION WITH A DEPOSIT ACCOUNT OPENED BY A CUSTOMER FOR PERSONAL USE.

To the committee on Financial Institutions, Real Estate and Securities

H.B. No. 356 - Representative Mallory, et al

TO INCLUDE CERTAIN OLYMPIC-STYLE BOXING COMPETITIONS AS SPORTING EVENTS FOR WHICH STATE GRANTS MAY BE AWARDED TO A COUNTY OR MUNICIPAL CORPORATION.

To the committee on Local Government and Public Administration

H.B. No. 357 - Representative Carney, et al

REGARDING THE INTRASTATE MUTUAL AID COMPACT, THE AUTHORITY OF CERTAIN EMERGENCY MEDICAL SERVICES PERSONNEL TO DISPENSE DRUGS DURING AN EMERGENCY THAT AFFECTS THE PUBLIC HEALTH, THE AUTHORITY OF THE GOVERNOR TO DECLARE THE EXISTENCE OF A HEALTH EXIGENCY, AND INFORMATION AND GUIDELINES ISSUED BY THE DEPARTMENT OF HEALTH CONCERNING HEALTH EXIGENCIES, AND TO DECLARE AN EMERGENCY.

To the committee on Health

H.B. No. 358 - Representative Ujvagi

TO CHANGE THE TIME BY WHICH ABSENT VOTER'S BALLOTS MUST BE READY, TO AUTHORIZE THE SECRETARY OF STATE TO MAKE EMERGENCY REVISIONS IN THE ARMED SERVICE ABSENT VOTING PROVISIONS, AND TO ESTABLISH WRITE-IN ABSENT VOTER'S BALLOTS FOR CERTAIN OVERSEAS VOTERS WHO ARE UNABLE TO CAST REGULAR ABSENT VOTER'S BALLOTS.

To the committee on Elections and Ethics

H.B. No. 359 - Representative Luckie, et al

TO IMPOSE THE SAME CRIMINAL PENALTIES FOR ASSAULTING A SCHOOL SECURITY GUARD AS ARE IMPOSED FOR ASSAULTING A SCHOOL TEACHER.

To the committee on Criminal Justice

H.B. No. 360 - Representatives Snitchler and Morgan, et al

TO GRANT AN INCOME TAX CREDIT ELIMINATING TAX LIABILITY FOR FIVE YEARS FOR INDIVIDUALS WHO OBTAIN JOURNEYPERSON STATUS AND WHO RESIDE IN OHIO AND TO PROHIBIT THE APPRENTICESHIP COUNCIL FROM ADOPTING STANDARDS FOR APPRENTICESHIP RATIOS THAT ARE STRICTER THAN THOSE REQUIREMENTS SPECIFIED IN THE FEDERAL REGULATIONS GOVERNING APPRENTICESHIP PROGRAMS AND FROM DISCRIMINATING AGAINST OPEN OR MERIT SHOPS.

To the committee on Ways and Means

H.B. No. 361 - Representative Murray, et al

TO PROVIDE THAT IN ACTIONS FOR DAMAGES ARISING FROM PERSONAL INJURY OR WRONGFUL DEATH EVIDENCE THAT CERTAIN CHARGES AND FEES IN A WRITTEN BILL OR STATEMENT ARE NOT REASONABLE AND THAT THE PROVISION OF CERTAIN SPECIFIED SERVICES ARE NOT NECESSARY IS ADMISSIBLE TO REBUT THE PRIMA-FACIE EVIDENCE OF REASONABLENESS AND NECESSITY AND THAT CERTAIN EVIDENCE IS NOT ADMISSIBLE TO REBUT THE PRIMA-FACIE EVIDENCE OF REASONABLENESS IN THOSE ACTIONS.

To the committee on Civil and Commercial Law

H.B. No. 362 - Representative Chandler, et al

TO REQUIRE FIRE EXTINGUISHERS AND CARBON MONOXIDE DETECTORS IN RESIDENTIAL BUILDINGS AND RESIDENTIAL UNITS, TO DIRECT THE BOARD OF BUILDING STANDARDS TO ADOPT RULES THAT ESTABLISH PRODUCT AND INSTALLATION STANDARDS FOR FIRE EXTINGUISHERS AND CARBON MONOXIDE DETECTORS, TO REQUIRE TRANSFERORS OF RESIDENTIAL REAL PROPERTY TO DISCLOSE WHETHER FIRE EXTINGUISHERS AND CARBON MONOXIDE DETECTORS ARE INSTALLED IN THEIR PROPERTY, AND TO PROHIBIT A TRANSFEROR OF RESIDENTIAL REAL PROPERTY FROM ENTERING INTO A TRANSFER AGREEMENT UNLESS FIRE EXTINGUISHERS AND CARBON MONOXIDE DETECTORS ARE INSTALLED AS THE BILL REQUIRES.

To the committee on Commerce and Labor

H.B. No. 364 - Representative Lundy, et al

RELATIVE TO THE TERMINATION OF FRANCHISES AND PROHIBITED ACTS UNDER THE MOTOR VEHICLE DEALERS LAW.

To the committee on Civil and Commercial Law

H.B. No. 365 - Representative Chandler, et al

TO ELIMINATE AN EXEMPTION FROM THE PUBLIC EMPLOYEES' COLLECTIVE BARGAINING LAW FOR SPECIFIED EDUCATIONAL EMPLOYEES.

To the committee on Commerce and Labor

H.B. No. 366 - Representative Gardner, et al

TO ALLOW SCHOOL DISTRICT BOARDS TO EXEMPT THEIR DISTRICTS FROM CERTAIN SPENDING RULES AND THE REQUIREMENT TO PROVIDE ALL-DAY KINDERGARTEN AND TO DIRECT THE DUTIES OF THE OHIO SCHOOL FUNDING ADVISORY COUNCIL.

To the committee on Education

H.B. No. 373 - Representatives Carney and Wachtmann, et al

TO ESTABLISH NUTRITIONAL STANDARDS FOR CERTAIN FOODS AND BEVERAGES SOLD IN PUBLIC AND CHARTERED NONPUBLIC

SCHOOLS; TO REQUIRE PUBLIC SCHOOL STUDENTS TO HAVE PERIODIC BODY MASS INDEX MEASUREMENTS; TO REQUIRE DAILY PHYSICAL ACTIVITY FOR PUBLIC SCHOOL STUDENTS AND TO MAKE OTHER CHANGES REGARDING PHYSICAL EDUCATION; AND TO ESTABLISH THE HEALTHY CHOICES FOR HEALTHY CHILDREN COUNCIL.

To the committee on Health

T. TODD BOOK
BARBARA BOYD
MATT LUNDY
JOHN ADAMS

JOSEPH KOZIURA
TIMOTHY J. DEGEETER
LOUIS W. BLESSING

Representative Lundy 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 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 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. 170 – Representatives Harris, Garland

Honoring Maddie Kobelt as a 2009 Division I State Girls Doubles Tennis Champion.

H.R. No. 171 – Representatives Harris, Garland

Honoring Meghan Buell as a 2009 Division I State Girls Doubles Tennis Champion.

H.R. No. 172 – Representative Evans

Honoring Morgan Dobbins on winning the 2009 Division II State Championship in boys golf.

/s/ TODD BOOK
Todd Book, Chair

Representative Lundy 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.

Representative Blessing reported for the Rules and Reference Committee recommending that the following House Resolution be read and approved:

H.R. No. 169 – Representative Balderson, Speaker Budish, Representatives Batchelder, Adams, J., Adams, R., Amstutz, Bacon, Baker, Beck, Belcher, Blair, Blessing, Bolon, Book, Boose, Boyd, Brown, Bupp, Burke, Carney, Celeste, Chandler, Coley, Combs, Daniels, DeBose, DeGeeter, Derickson, Dodd, Dolan, 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

In memory of James R. Ross

/s/ TODD BOOK

Todd Book, Chair

Representative Lundy moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolution contained therein be approved.

The motion was agreed to.

Message from the Speaker

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following changes to the standing committee on Financial Institutions, Real Estate and Securities:

Remove former Representative Jones; appoint Representative Blair.

Message from the Speaker

Pursuant to Section 756.40 of the Ohio Revised Code, the Speaker hereby appoints public member Brian Newbacher to the Ohio State Highway Patrol Mission Review Task Force.

Message from the Speaker

Pursuant to Section 126.46 of the Ohio Revised Code, the Speaker hereby appoints public member Robert Richardson Jr. to the State Audit Committee.

On motion of Representative Lundy, the House adjourned until Wednesday, November 18, 2009 at 1:30 p.m.

Attest:

THOMAS L. SHERMAN,
Clerk.