

OHIO

House

of

Representatives

JOURNAL

CORRECTED VERSION
TUESDAY, MAY 1, 2012

ONE HUNDRED FIFTY-FIRST DAY
Hall of the House of Representatives, Columbus, Ohio
Tuesday, May 1, 2012, 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 Stebelton 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. 526-Representatives McClain, Murray.

Cosponsors: Representatives Grossman, Thompson, Derickson, Adams, J., Ruhl, Letson, Stebelton, Blessing.

To enact section 3701.048 of the Revised Code to require the Director of Health to develop protocols regarding the authority to administer, deliver, distribute, or dispense drugs during certain public health emergencies.

H. B. No. 527-Representatives Derickson, Letson.

Cosponsors: Representatives Johnson, Murray, Gardner, Adams, J., Yuko, O'Brien, Stebelton, Milkovich, Thompson, Cera, Fende, Stinziano, Hall, Pillich, Antonio, Driehaus, Hagan, R., McClain, Barnes, Adams, R., Ashford, Boyd, Blessing, Buchy, Budish, Carney, Celebrezze, Fedor, Gerberry, Gonzales, Hagan, C., Huffman, Landis, Luckie, Garland, Clyde, Patmon, Ramos, Reece, Sears, Slesnick, Sykes, Szollosi, Wachtmann, Winburn, Ruhl, Rosenberger, Bubb, Mallory, Baker, Boose, Dovilla, McGregor, Sprague, Schuring, Conditt, Beck, DeVitis, Pelanda, Phillips, Heard, Okey, Butler, Blair, Grossman, Smith, Hill, Slaby, M., Celeste.

To enact section 5.2277 of the Revised Code to designate the last day of February as "Rare Disease Day."

H. B. No. 528-Representatives Carney, Okey.

To enact section 1509.081 of the Revised Code to require the lessee of an oil and gas lease to provide to the lessor monthly oil and gas production statements, to specify the minimum information that must be included in a monthly statement, and to establish procedures and requirements in accordance with which a lessor may conduct an audit of the lessee's records and documents related to production or post-production costs under the lease.

H. B. No. 529-Representative Hagan, C.

Cosponsors: Representatives Combs, Grossman, Duffey, Lynch, Ruhl, Hackett, McClain, Blair, Schuring, Henne.

To amend sections 305.03, 319.04, 319.26, 321.37, 321.38, 321.46, 2921.44, 3314.011, and 3314.023; to enact sections 9.831, 117.411, 507.12, 507.15, 733.78, 733.81, 3313.30, 3314.50, 3326.211, 3328.16, and 3328.37; and to repeal section 319.25 of the Revised Code; to amend Section 267.50.70 of Am. Sub. H.B. 153 of the 129th General Assembly; and to amend Section 267.50.70 of Am. Sub. H.B. 153 of the 129th General Assembly for the purpose of changing its number to section 3314.51 of the Revised Code to establish education programs and continuing education requirements for the fiscal officers of townships and municipal corporations, to establish procedures for removing those fiscal officers, county treasurers, and county auditors from office, and to create fiscal accountability requirements for public schools, counties, municipal corporations, and townships.

H. B. No. 530-Representative Henne.

Cosponsors: Representatives Murray, Adams, J., Huffman, Sprague, Hayes, Foley.

To amend sections 4728.01 to 4728.14, and 4728.99 and to enact sections 4728.061, 4728.15, 4728.16, and 4728.17 of the Revised Code to make changes to the licensing and records requirements, exemptions, penalties, and other provisions of the Precious Metal Dealers Law and to limit the amount precious metal dealers may charge the true owner of stolen property when restoring that property to the true owner.

H. B. No. 531-Representatives Antonio, Johnson.

Cosponsors: Representatives Driehaus, Garland, Grossman, Buchy, Ruhl, Milkovich, Fende, Letson, Lundy, Yuko, Celebrezze, Reece, O'Brien, Pillich, Ramos, Gerberry, Hagan, R., Wachtmann.

To enact section 5.2277 of the Revised Code to designate September 10 as "Gift of Life Hero Day."

H. B. No. 532-Representatives Kozlowski, Gonzales.

Cosponsors: Representatives Henne, Gardner, Derickson, Adams, J., Bulp, Pillich, Garland, Grossman, Sears, Szollosi, Hottinger, Buchy, Fende, Wachtmann, Lundy, Ruhl, Yuko, Reece, Dovilla, Boose, Conditt, Stebelton, Maag, Young, Goodwin.

To amend section 5913.11 of the Revised Code to revise the Ohio Military Medal of Distinction law, and to make an appropriation.

H. B. No. 533-Representatives Blessing, Heard.

To amend sections 307.932, 2152.12, 2152.121, 2152.52, 2152.56, 2152.59, 2301.27, 2301.271, 2921.331, 2925.03, 2925.04, 2929.01, 2929.14, 2929.19, 2929.26, 2929.41, 2951.022, 2953.08, 2961.22, 2967.03, 2967.05, 2967.14, 2967.19, 2967.191, 2967.193, 2967.26, 2967.28, 4511.091, 5120.036, 5120.66, and 5149.311 of the Revised Code, to amend Section 5 of Am. Sub. H.B. 86 of the 129th General Assembly, and to repeal section 2950.17 of the Revised Code to increase the time limit for a prosecutor to file a motion in juvenile court that objects to the imposition of a serious youthful offender dispositional sentence; to prohibit competency attainment reports and juvenile bindover evaluation reports from including details of the alleged offense as reported by the child; to require juvenile bindover evaluation reports to be completed within forty-five days unless an extension is granted; to require the Department of Youth Services to develop minimum standards for training of juvenile offender probation officers; to extend the deadline for the Ohio Interagency Task Force on Mental Health and Juvenile Justice to issue a report of its findings and recommendations; to revise the penalties for certain fifth degree felony drug offenses to generally favor not imposing a prison term; to remove the prohibition for a convicted sex offender to possess a photograph of the offender's victim while the offender is serving a term of confinement for that offense; to remove the prohibition for a child-victim offender to possess a photograph of any minor child while the child-victim offender is serving a term of confinement for that offense; to permit the judges of the various courts of the state that supervise a concurrent supervision offender to authorize the chief probation officer to manage concurrent supervision offenders; to remove the prohibition on the arrest, charging, or conviction of a person for speeding based on a peace officer's unaided visual estimation of the speed of the vehicle; to expand the availability of the probation improvement and incentive grants to municipal and county courts; to specify that the Department of Rehabilitation and Correction and Adult Parole Authority shall not be held civilly liable for any claims arising out of a certificate of achievement and employability; to transfer control of the transitional control program from the Adult Parole Authority to the Division of Parole and Community Services; to require courts and agencies to expunge the record of a juvenile's conviction in adult court if the case is transferred back to juvenile court; to modify the definition of stated prison term relative to a risk reduction sentence; to increase the percentage of the amount appropriated to the Department of Rehabilitation and Correction that may be used for nonresidential services; to amend the penalty for failure to comply with an order or signal of a police officer; to eliminate the requirement that a court sentencing a felony offender provide notice of possible eligibility for earning days of credit; revises the procedures under the mechanism for the possible release of certain Department of Rehabilitation and Correction prisoners who serve 80% of their

stated prison term; and to require a sentencing court to determine the days of credit an offender receives for time served in relation to the offense and provide for the correction of errors in the determination.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Luckie submitted the following report:

The standing committee on Education to which was referred **H. B. No. 191**-Representatives Hayes, Patmon, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SCHOOL YEAR-BASED ON HOURS-NOT DAYS/OPENING
AND CLOSING DAYS

GERALD L. STEBELTON	MIKE DOVILLA
CRAIG NEWBOLD	NAN BAKER
ANDREW BRENNER	TIMOTHY DERICKSON
BILL HAYES	RYAN SMITH
MATT HUFFMAN	CASEY KOZLOWSKI
RON MAAG	TED CELESTE
DENISE DRIEHAUS	BILL PATMON
DEBBIE PHILLIPS	

The following members voted "NO"

JIM BUTLER	KRISTINA ROEGNER
CLAYTON LUCKIE	NICKIE ANTONIO
TERESA FEDOR	RON GERBERRY
DAN RAMOS	

The report was agreed to.

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

Representative Luckie submitted the following report:

The standing committee on Education to which was referred **H. B. No. 377**-Representatives Duffey, Stinziano, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: STATE UNIVERSITIES-STUDENT TRUSTEES-VOTING
POWER/ATTEND EXECUTIVE SESSIONS

GERALD L. STEBELTON	MIKE DOVILLA
CRAIG NEWBOLD	NAN BAKER
ANDREW BRENNER	BILL HAYES

RYAN SMITH
ANDY THOMPSON
DENISE DRIEHAUS
DEBBIE PHILLIPS

CASEY KOZLOWSKI
TED CELESTE
RON GERBERRY

The following members voted "NO"

JIM BUTLER
MATT HUFFMAN
KRISTINA ROEGNER
NICKIE ANTONIO
BILL PATMON

TIMOTHY DERICKSON
RON MAAG
CLAYTON LUCKIE
TERESA FEDOR
DAN RAMOS

The report was agreed to.

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

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 295-Senator Coley.

Cosponsors: Senators Eklund, Faber, Hite, Jones, Jordan, Niehaus, Obhof, Seitz, Wagoner.

To repeal the versions of sections of the Revised Code amended or enacted by Sections 1 and 3 of Am. Sub. H.B. 194 of the 129th General Assembly, to repeal the repeal of sections of the Revised Code by Sections 2 and 4 of Am. Sub. H.B. 194 of the 129th General Assembly, and to repeal Sections 5, 6, 7, and 8 of Am. Sub. H.B. 194 of the 129th General Assembly, to continue in operation the provisions of the Election Law currently in effect, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Gonzales moved that **Sub. S. B. No. 295**-Senator Coley, et al., be informally passed and that it be taken up for consideration on: Tuesday, May 8, 2012.

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. H. B. No. 244 -Representatives Gonzales, Roegner
Cosponsors: Representatives Balderson, Bubb, Grossman, Johnson, Rosenberger, Wachtmann, Fende, Antonio, Celeste, Duffey, Garland,

Schuring, Yuko, Adams, R., Anielski, Baker, Beck, Blessing, Boyd, Buchy, Conditt, DeVitis, Dovilla, Hackett, Hall, Henne, Hill, Kozlowski, Letson, Maag, Milkovich, Newbold, Patmon, Peterson, Ramos, Ruhl, Sears, Slaby, Sprague, Stautberg, Stebelton Senators Tavares, Bacon, Balderson, Brown, Coley, Hughes, Kearney, LaRose, Lehner, Obhof, Oelslager, Patton, Schaffer, Schiavoni, Seitz, Turner, Widener

To enact section 4765.391 of the Revised Code to permit authorized paramedics to administer immunizations for influenza to firefighters or emergency medical technicians.

Attest:

Vincent L. Keeran,
Clerk.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has passed the following bill in which the concurrence of the House is requested:

Sub. S. B. No. 310 -Senator Balderson

Cosponsors: Senators Jones, Bacon, Beagle, Burke, Gentile, Hite, Lehner, Manning, Niehaus, Sawyer, Widener

To amend section 1533.71, to enact sections 935.01, 935.011, 935.02 to 935.10, 935.101, 935.11 to 935.26, and 935.99, and to repeal section 2927.21 of the Revised Code to establish requirements governing the possession of dangerous wild animals and restricted snakes.

Attest:

Vincent L. Keeran,
Clerk.

Said bill was considered the first time.

Message from the Speaker

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

Criminal Justice:

Remove Representative Young; appoint Representative Combs.

Finance and Appropriations:

Remove Representative Stinziano; appoint Representative Goyal.

On motion of Representative Gonzales, the House recessed.

The House met pursuant to recess.

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

Sub. S.B. No. 294 - Senator Schaffer, et al
TO REVISE THE LAWS GOVERNING ENVIRONMENTAL
PROTECTION.

To the committee on Agriculture and Natural Resources

Sub. S.B. No. 302 - Senator Manning, et al
TO REVISE REQUIREMENTS GOVERNING BACKGROUND
INVESTIGATIONS FOR PURPOSES OF THE SOLID, HAZARDOUS,
AND INFECTIOUS WASTES LAW.

To the committee on Agriculture and Natural Resources

Sub. S.B. No. 310 - Senator Balderson, et al
TO ESTABLISH REQUIREMENTS GOVERNING THE POSSESSION OF
DANGEROUS WILD ANIMALS AND RESTRICTED SNAKES.

To the committee on Agriculture and Natural Resources

Am. S.B. No. 288 - Senator LaRose, et al
TO ALLOW EXTRA CREDIT TO MILITARY VETERANS AND
RESERVE COMPONENT MEMBERS ON STATE CIVIL SERVICE
EXAMINATIONS, TO PROVIDE FOR THE REEMPLOYMENT OF
NONTEACHING SCHOOL EMPLOYEES FOLLOWING MILITARY
SERVICE IN ACCORDANCE WITH FEDERAL LAW, TO EXTEND THE
PERIOD OF TIME WITHIN WHICH PERSONS SERVING IN THE OHIO
NATIONAL GUARD MAY MEET CONTINUING EDUCATION
REQUIREMENTS FOR OCCUPATIONAL LICENSES AND RENEW
THEIR LICENSES, TO REQUIRE THAT WORKERS' COMPENSATION
CLAIMS OF MEMBERS OF THE ORGANIZED MILITIA BE
DETERMINED IN ACCORDANCE WITH APPLICABLE LINE OF DUTY
REGULATIONS, TO REQUIRE LANDLORDS TO OBSERVE THE

RIGHTS OF TENANTS WHO ARE SERVICE MEMBERS UNDER FEDERAL LAW, TO MODIFY THE ORDER OF PRIORITY IN WHICH VETERANS MAY PARTICIPATE IN JOB TRAINING PROGRAMS, TO PERMIT BUT NOT REQUIRE THE USE OF ARMORIES BY PATRIOTIC AND NATIONAL ORGANIZATIONS, TO UPDATE REFERENCES IN THE REVISED CODE TO FEDERAL STATUTES RELATING TO THE NATIONAL GUARD, TO CONFORM THE OHIO CODE OF MILITARY JUSTICE TO THE UNITED STATES CODE OF MILITARY JUSTICE, AND TO MAKE OTHER CHANGES TO THE OHIO CODE OF MILITARY JUSTICE.

To the committee on Veterans Affairs

LOUIS W. BLESSING
ANNE GONZALES
DOROTHY PELANDA

ANDREW BRENNER
CHERYL GROSSMAN
DEBBIE PHILLIPS

Representative Grossman 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 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 Senate Bills were considered the second time and referred as recommended.

MOTIONS AND RESOLUTIONS

Representative Phillips 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. 42 - Representative Grossman, et al
TO URGE THE UNITED STATES DEPARTMENT OF DEFENSE TO RECONSIDER ANY PROPOSED AIR NATIONAL GUARD FORCE AND EQUIPMENT REDUCTIONS AT RICKENBACKER AIR NATIONAL GUARD BASE.

To the committee on Veterans Affairs

H.C. R. No. 43 - Representatives Johnson and Yuko, et al
TO URGE THE CONGRESS OF THE UNITED STATES TO APPROPRIATE FUNDS FOR THE TELEMEDICAL DIAGNOSIS AND TREATMENT OF TRAUMATIC BRAIN INJURY IN MILITARY

SERVICE MEMBERS AND VETERANS AT UNITED STATES
DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES.

To the committee on Veterans Affairs

H.C.R. No. 44 - Representative Beck

TO HONOR AND COMMEMORATE VETERANS OF THE VIETNAM
WAR WHO SERVED DURING THE MAYAGUEZ INCIDENT AND THE
SUBSEQUENT BATTLE ON KOH TANG ISLAND THAT COMMENCED
ON MAY 12, 1975.

To the committee on Veterans Affairs

/s/LOUIS BLESSING

Louis Blessing, Chair

Representative Grossman 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.

Message from the Speaker

Pursuant to Ohio Revised Code section 3333.731, the Speaker hereby
appoints the following individuals to the Co-op/Internship Program Advisory
Committee:

Representative Christina Hagan-representing the House majority party;

Dan Schoch-representing the private industry;

Edward Hill-a member of the public.

Message from the Speaker

Pursuant to House Bill 276, Section 3 of the 129th General Assembly, the
Speaker hereby appoints the following individuals to the Legislative Task
Force to Study Anaerobic Digesters for Agricultural Use and Application:

Representative Jim Buchy-representing the House majority party and
serving as the Task Force's chairman;

Frank Burkett-representing the Ohio Farm Bureau Federation;

Adam Ward-representing the Ohio Soy Bean Association;

Joe Logan-representing the Ohio Environmental Council;

Tom Menke-agronomist;

Leah Curtis-attorney.

Message from the Speaker

Pursuant to Ohio Revised Code section 3718.03 (A) (3), the Speaker hereby appoints Zak Sherman, representing manufacturers of sewage treatment systems, to the Sewage Treatment System Technical Advisory Committee.

Message from the Speaker

Pursuant to Ohio Revised Code section 164.02, the Speaker hereby appoints public member Alan Ross to the Ohio Public Works Commission.

Message from the Speaker

The Speaker of the House of Representatives, on April 26, 2012, signed the following:

Am. S.B. No. 260 - Senator Obhof - et al.

Clerk's Notation

This is to acknowledge receipt from the Supreme Court of Ohio, on April 30, 2012, of amendments to the Ohio Rules of Appellate Procedure, Ohio Rules of Civil Procedure, Ohio Rules of Criminal Procedure, Ohio Rules of Juvenile Procedure, and the Ohio Rules of Evidence.

On motion of Representative Grossman, the House adjourned until Thursday, May 3, 2012 at 9:00 o'clock a.m.

Attest:

JENNIFER E. WOODRING,
Clerk.