

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, MAY 12, 2009

## FORTY-THIRD DAY

Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, May 12, 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 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. 174**-Representative Gerberry.

Cosponsor: Representative Hagan.

To enact section 5533.95 of the Revised Code to designate a portion of Interstate 680 within Mahoning County as the "William Holmes McGuffey Memorial Highway."

**H. B. No. 175**-Representative Gerberry.

Cosponsors: Representatives Hagan, Newcomb, Luckie, Murray, Fende, Brown.

To amend sections 109.73, 317.08, 959.131, 1717.01, and 1717.06 of the Revised Code to require a person to file proof of successful completion of training with the county recorder prior to being appointed as a humane society agent and to require the revocation of an appointment under certain circumstances.

**H. B. No. 176**-Representatives Stewart, McGregor.

Cosponsors: Representatives Skindell, Celeste, Letson, Garland, Blair, Foley, Yuko, Heard, Williams, S., Harris, Harwood, Carney, Chandler, Boyd, Hagan, Ujvagi, Koziura, Winburn, Luckie, Williams, B., Mallory, Sykes, Yates, Brown, Driehaus.

To amend sections 9.03, 124.93, 125.111, 340.12, 511.03, 717.01, 1501.012, 1751.18, 2927.03, 3113.36, 3301.53, 3304.14, 3304.50, 3313.481, 3314.06, 3332.09, 3721.13, 3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.04, 4112.05, 4112.08, 4117.19, 4735.16, 4735.55, 4757.07, 4758.16, 4765.18, 5104.09, 5107.26, 5111.31, 5119.61, 5123.351, 5126.07, 5515.08, and 5709.832 of the Revised Code to prohibit discrimination on the basis of sexual orientation or gender identity and expression.

**H. B. No. 177**-Representatives Huffman, Bubp.

Cosponsors: Representatives Morgan, Sears, Maag, Chandler, Burke, Blair, Grossman, Boose.

To enact section 3307.045 of the Revised Code to provide that investment personnel of the State Teachers Retirement System may not receive performance-based bonuses or premiums in years of negative investment returns and to declare an emergency.

**H. B. No. 178**-Representative Wagner.

To amend sections 9.41, 9.833, 9.90, 124.01, 124.11, 124.271, 124.34, 124.38, 124.40, 124.57, 3301.07, 3301.072, 3311.10, 3311.19, 3311.52, 3311.72, 3313.12, 3313.20, 3313.202, 3313.33, 3313.53, 3313.604, 3313.665, 3313.751, 3313.79, 3313.81, 3313.871, 3313.96, 3313.975, 3314.03, 3314.09, 3314.091, 3315.062, 3315.09, 3315.091, 3316.07, 3317.01, 3319.01, 3319.011, 3319.02, 3319.03, 3319.04, 3319.05, 3319.06, 3319.07, 3319.071, 3319.073, 3319.075, 3319.08, 3319.081, 3319.088, 3319.10, 3319.151, 3326.11, 3326.20, 3326.21, 3326.51, 3327.01, 3327.03, 3327.09, 3327.10, 3327.16, 4117.01, 4117.03, 4117.04, 4117.06, 4117.08, 4117.09, and 4117.10; and to repeal sections 5.23, 9.901, 117.53, 124.011, 124.54, 3301.22, 3313.174, 3313.211, 3313.41, 3313.472, 3313.482, 3313.51, 3313.534, 3313.535, 3313.537, 3313.60, 3313.601, 3313.602, 3313.608, 3313.609, 3313.6011, 3313.6012, 3313.6013, 3313.6014, 3313.63, 3313.648, 3313.66, 3313.661, 3313.662, 3313.664, 3313.666, 3313.667, 3313.70, 3313.712, 3313.76, 3313.77, 3313.78, 3313.80, 3313.801, 3313.811, 3314.10, 3314.20, 3315.17, 3315.171, 3315.18, 3315.181, 3315.19, 3317.12, 3317.13, 3317.14, 3317.15, 3319.072, 3319.082, 3319.083, 3319.084, 3319.085, 3319.086, 3319.087, 3319.0810, 3319.0811, 3319.09, 3319.101, 3319.11, 3319.111, 3319.12, 3319.13, 3319.131, 3319.14, 3319.141, 3319.142, 3319.143, 3319.16, 3319.161, 3319.17, 3319.171, 3319.172, 3319.18, 3319.181, 3319.33, 3319.63, 3324.01, 3324.02, 3324.03, 3324.04, 3324.05, 3324.06, 3324.07, 3324.10, 3326.18, 3327.011, 3327.02, 3327.15, 4117.101, and 4117.102 of the Revised Code to eliminate certain requirements and prohibitions applying to school district boards of education.

**H. B. No. 179**-Representative Letson.

Cosponsors: Representatives Boyd, Dodd, Huffman, Chandler, Domenick, Hagan, Yuko, Harwood, Heard.

To amend sections 4549.61, 4549.62, and 4549.63 of the Revised Code to modify the guidelines governing seizure of a motorcycle by a law enforcement officer when the identity of the motorcycle cannot be determined and to establish limited civil liability if the law enforcement officer or agency fails to comply with specified guidelines.

**H. B. No. 180**-Representative Letson.

Cosponsors: Representatives Fende, Foley, Okey, Huffman, Yuko, Chandler, Luckie, Brown, Domenick, Boyd.

To amend sections 2903.13 and 2903.21 of the Revised Code to make an assault or aggravated menacing committed in a courthouse a felony of the fifth degree.

**H. B. No. 181**-Representative Phillips.

Cosponsors: Representatives Murray, Letson, Book, Ujvagi, Okey, Domenick.

To amend section 4517.22 of the Revised Code to allow the sale of all-purpose vehicles at an outdoor show held annually on the campus of a technical college that is not co-located with another institution of higher education notwithstanding the restrictions on motor vehicle shows.

**H. B. No. 182**-Representative Hackett.

To amend sections 2929.13 and 2929.14 and to enact sections 2941.1424 and 2941.1425 of the Revised Code to require a definite term of imprisonment of 5 to 10 years for an offender convicted of felonious assault or endangering children and a specification that the victim was less than 5 years of age and suffered substantial permanent injury or for an offender convicted of voluntary manslaughter, involuntary manslaughter, or reckless homicide and a specification that the victim was less than five years of age.

Said bills were considered the first time.

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

Representative Bubp submitted the following report:

The standing committee on Veterans Affairs to which was referred **H. B. No. 150**-Representatives Ujvagi, McGregor, et al., having had the same under consideration, reports it back and recommends its passage.

RE: MILITARY FAMILY MONTH - AUGUST

Representative Pryor moved to amend the title as follows:

Add the names: "Combs, Boose."

JOHN OTTERMAN  
DANNY R. BUBP  
TERRY BOOSE  
DAN DODD  
CONNIE PILLICH

RAYMOND PRYOR  
COURTNEY COMBS  
JOHN ADAMS  
JOSH MANDEL

The report was agreed to.

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

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

**H.B. No. 167 - Representative Murray, et al.**

TO PROHIBIT AN EMPLOYER OR A LANDLORD FROM DISCRIMINATING AGAINST A VICTIM OF DOMESTIC VIOLENCE, TO ALLOW A VICTIM OF DOMESTIC VIOLENCE TO TAKE UNPAID LEAVE FOR COURT PROCEEDINGS RELATING TO THE INCIDENT OF DOMESTIC VIOLENCE, TO ALLOW A TENANT WHO IS A VICTIM OF DOMESTIC VIOLENCE TO CHANGE OR HAVE CHANGED THE LOCKS TO THE TENANT'S DWELLING UNIT, AND TO ALLOW SUCH A TENANT TO TERMINATE A LEASE.

To the committee on Housing and Urban Revitalization

**H.B. No. 168 - Representatives Murray, Ujvagi, et al.**

TO ESTABLISH THE WAR OF 1812 BICENTENNIAL COMMISSION, TO PRESCRIBE THE COMMISSION'S POWERS AND DUTIES, AND TO REPEAL SECTIONS 149.32 AND 149.321 OF THE REVISED CODE ON DECEMBER 31, 2015, TO TERMINATE THE COMMISSION ON THAT DATE.

To the committee on State Government

**H.B. No. 169 - Representative Murray, et al.**

TO APPLY THE AIRPORT ZONING LAW TO PUBLIC UTILITY OR RAILROAD BUILDINGS OR STRUCTURES THAT CREATE AN AIRPORT HAZARD.

To the committee on Public Utilities

**H.B. No. 170 - Representative Murray, et al.**

TO PROHIBIT AN EMPLOYER FROM RETALIATING AGAINST THE EMPLOYER'S EMPLOYEES FOR TESTIFYING OR OTHERWISE PARTICIPATING IN AN UNEMPLOYMENT COMPENSATION PROCEEDING OR HEARING.

To the committee on Commerce and Labor

**H.B. No. 171 - Representatives Letson, Mandel, et al.**

TO APPLY THE MOTOR VEHICLE CERTIFICATE OF TITLE LAW TO TRAILERS AND SEMITRAILERS THAT WEIGH 4,000 POUNDS OR LESS AND ARE NOT FARM TRAILERS.

To the committee on Transportation and Infrastructure

**H.B. No. 172 - Representative Letson, et al.**

TO EXPAND THE AUTHORITY OF A COUNTY FACILITIES REVIEW BOARD TO INCLUDE ANY FACILITY WHERE A WARD OF THE

PROBATE COURT RESIDES OR WHERE SUCH WARD RECEIVES SERVICES AMONG THE INSTITUTIONS SUBJECT TO ITS REVIEW.

To the committee on Local Government/Public Administration

**Am. S.B. No. 7 - Senator Wagoner, et al.**

TO REQUIRE THE AUDITOR OF STATE TO ESTABLISH A FRAUD-REPORTING SYSTEM FOR RESIDENTS AND PUBLIC EMPLOYEES TO FILE ANONYMOUS COMPLAINTS OF FRAUD AND MISUSE OF PUBLIC FUNDS BY PUBLIC OFFICES OR OFFICIALS.

To the committee on State Government

T. TODD BOOK  
BARBARA BOYD  
MATT LUNDY

WILLIAM G. BATCHELDER

JOSEPH KOZIURA  
TIMOTHY J. DEGEETER  
LOUIS W. BLESSING  
KRIS JORDAN

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 and the Senate bill 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 bill 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 Resolution be introduced and referred to the following committee for consideration:

**H.R. No. 67 - Representative Hottinger, Ruhl, Dodd**

TO RECOGNIZE UTICA, THE HOME OF VELVET ICE CREAM, AS THE ICE CREAM CAPITAL OF OHIO.

To the committee on State Government.

/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 introduced and referred as recommended.

The motion was agreed to.

Said resolution was introduced and referred as recommended.

## 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. 69** -Senator Cates

Cosponsors: Senators Hughes, Morano, Harris, Kearney, Miller, D., Niehaus, Sawyer, Schiavoni, Strahorn, Turner, Wilson, Miller, R.

To amend sections 1713.55, 3332.25, 3345.85, and 3701.133 of the Revised Code to require that students living in on-campus housing at institutions of higher education be vaccinated for meningococcal meningitis and hepatitis B or obtain a waiver.

Attest:

Vincent L. Keeran,  
Clerk.

Said bill was 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. 8** -Senators Grendell, Gibbs

Cosponsors: Senators Carey, Schaffer, Buehrer, Cafaro, Cates, Faber, Gillmor, Goodman, Harris, Schiavoni, Schuring, Seitz, Strahorn, Wilson, Hughes, Widener

To memorialize the Administrator of the United States Environmental Protection Agency to refrain from adopting any new regulations governing greenhouse gas emissions from livestock that would impose permit fees on livestock producers, and to memorialize the Congress of the United States to enact legislation introduced by United States Senators John Thune and Charles Schumer that proposes to amend Title V of the Clean Air Act to establish appropriate exemptions for livestock producers.

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 Ohio Revised Code section 3334.03, the Speaker hereby appoints Representative Dyer to the Ohio Tuition Trust Authority.

Clerk's Notation

This is to acknowledge receipt from the Supreme Court of Ohio, on April 30, 2009, amendments to the Ohio Rules of Appellate Procedure, the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure and the Ohio Rules of Juvenile Procedure.

On motion of Representative Lundy, the House adjourned until Wednesday, May 13, 2009 at 1:30 p.m.

Attest:

THOMAS L. SHERMAN,  
Clerk.