

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

WEDNESDAY, JANUARY 26, 2011

## EIGHTH DAY

Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, January 26, 2011, 9:00 o'clock a.m.**

The House met pursuant to adjournment.

The journal of the previous legislative day was read and approved.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 45**-Representatives Bubp, Johnson.

Cosponsors: Representatives Adams, J., Adams, R., Amstutz, Balderson, Beck, Blair, Blessing, Boose, Brenner, Burke, Damschroder, Derickson, Dovilla, Hackett, Hayes, Huffman, Kozlowski, Maag, Martin, Rosenberger, Ruhl, Sears, Slaby, Snitchler, Stautberg, Thompson, Uecker, Young.

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 any liquor permit premises, or any 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.

**H. B. No. 46**-Representative Blessing.

To amend section 5103.16 of the Revised Code to extend to a grandparent's spouse the exemption from certain adoptive placement requirements.

**H. B. No. 47**-Representative Hagan.

Cosponsors: Representatives Gerberry, Foley, Weddington, Patmon, Pillich, Murray, Yuko, Lundy, Boyd, Antonio.

To enact section 5101.87 of the Revised Code regarding annual reports about certain employers of public assistance recipients.

**H. B. No. 48**-Representatives Mecklenborg, Carney.

Cosponsors: Representatives Beck, Combs, DeGeeter, Dovilla, Garland, McGregor, Pillich, Stautberg, Stebelton, Stinziano.

To amend sections 1701.13, 1701.59, 1701.66, 1701.74, 1701.76, 1701.84, 1701.85, 1701.86, 1701.87, 1701.88, 1701.89, 1701.90, 1701.91, 1701.911, 1702.12, 1702.30, and 1705.61 and to enact sections 1701.881, 1701.882, and 1701.883 of the Revised Code to make changes to the law governing corporations including dissenting shareholders, the dissolution of a

corporation, rights to indemnification or advancement of expenses, directors' fiduciary duties, and recording of corporate mortgages.

**H. B. No. 49**-Representative Combs.

Cosponsors: Representatives Grossman, Beck.

To amend sections 120.36, 2937.22, 2949.091, 2949.094, 2949.111, 4507.45, 4510.22, and 4511.19 of the Revised Code to require that certain fees and costs paid by parties in a municipal court that is not a county-operated municipal court and that appoints counsel for indigent defendants in a manner other than that provided in section 120.33 of the Revised Code be transmitted to the treasurer of the municipal corporation and used to pay the compensation of counsel appointed to represent indigent defendants.

**H. B. No. 50**-Representative Snitchler.

Cosponsors: Representatives Burke, Murray, Schuring, Blessing.

To amend section 709.02 of the Revised Code to require that a political subdivision owner be included in determining the number of owners needed to sign a petition for an expedited type-II annexation.

**H. B. No. 51**-Representative Snitchler.

Cosponsors: Representatives Schuring, Blessing.

To enact section 743.50 of the Revised Code to require a municipal utility supplying surplus electricity to nonresidents to provide written notice of termination one year before terminating the service.

**H. B. No. 52**-Representatives Snitchler, Okey.

Cosponsors: Representatives Burke, Huffman, Murray, Pillich, Blessing.

To amend section 1707.20 and to enact section 1707.49 of the Revised Code to specify the form of financial statements and to include administrative assessments and other remedies as a remedy for a violation of the Ohio Securities Act.

**H. B. No. 53**-Representative Maag.

Cosponsors: Representatives Beck, Bulp, Combs, Derickson, Grossman, Patmon.

To amend sections 2151.022 and 2152.02 and to enact section 2907.324 of the Revised Code to prohibit a minor, by use of a telecommunications device or other means, from knowingly creating, receiving, exchanging, sending, or possessing a photograph or other material showing a minor in a state of nudity.

**H. B. No. 54**-Representatives Maag, Martin.

Cosponsors: Representatives Adams, J., Adams, R., Balderson, Beck, Boose, Bupp, Derickson, Grossman, Kozlowski, McGregor, Mecklenborg, Uecker, Young, Amstutz.

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.

**H. B. No. 55**-Representatives Goyal, Murray.

Cosponsors: Representatives Foley, Garland, Weddington, Hagan, Pillich, Phillips, Heard, Boyd.

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 (3517.1016), 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. 56**-Representative Murray.

Cosponsors: Representatives Foley, Letson, Hagan, Phillips, McGregor, Pillich, O'Brien, Williams, Yuko, Blair.

To amend sections 323.47, 2303.20, 2323.07, 2329.01, 2329.02, 2329.09, 2329.191, 2329.20, 2329.26, 2329.31, 2329.33, 2329.36, 2329.52, 2909.05, 2941.47, and 5723.01 and to enact sections 2308.01 to 2308.09 of the Revised Code to permit the trial of a corporation in absentia in a criminal proceeding initiated by complaint and relative to residential foreclosure actions.

**H. B. No. 57**-Representative Driehaus.

Cosponsors: Representatives Pillich, Yuko, Slesnick, Reece, Garland, Ashford, Carey, Stinziano, Boyd, Patmon, O'Brien.

To amend section 5533.774 of the Revised Code to designate Interstate Route 75 as the "Tuskegee Airmen Memorial Trail."

**H. B. No. 58**-Representative Beck.

Cosponsors: Representatives Adams, J., Boose, Blair, Derickson, Hackett, Hollington, Martin, Uecker.

To amend section 5701.11 of the Revised Code to expressly incorporate changes in the Internal Revenue Code since December 15, 2010, into Ohio law.

**H. B. No. 59**-Representative McClain.

Cosponsors: Representatives Huffman, Gardner, Maag, Carey, Blessing, Burke, Derickson, Grossman, O'Brien, McKenney, Boose, Goodwin, Fende.

To enact section 5533.686 of the Revised Code to designate a portion of State Route 103 within Wyandot County the "Trooper Andrew C. Baldrige Memorial Highway."

**H. B. No. 60**-Representatives Murray, Gardner.

Cosponsors: Representatives Celeste, Szollosi, Lundy, Pillich, Carey, Yuko, O'Brien, Stebelton.

To request the Congressional Joint Committee on the Library of Congress to approve the replacement of Ohio's statue of Governor William Allen in the National Statuary Hall Collection with a statue of Thomas Edison.

**H. B. No. 61**-Representatives Thompson, Martin.

Cosponsors: Representatives Ruhl, Sears, Wachtmann, Baker, Blessing, Derickson, Adams, J., Brenner, Kozlowski, Blair, Snitchler, Stebelton, Slaby, Boose.

To amend sections 4111.03, 4111.05, 4111.10, 4111.13, and 4111.99 and to enact section 4111.031 of the Revised Code to give private sector employers the option to offer and employees the option to accrue and use compensatory time off in lieu of monetary overtime compensation.

**H. B. No. 62**-Representative Gonzales.

To amend section 2903.13 of the Revised Code to increase the penalty for assault when the victim is a registered nurse or a licensed practical nurse engaged in the performance of official duties whom the offender knows or has reasonable cause to believe is a registered nurse or a licensed practical nurse.

Said bills were considered the first time.

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

Representative Gerberry submitted the following report:

The standing committee on State Government and Elections to which was referred **H. B. No. 1**-Representative Duffey, having had the same under consideration, reports it back as a substitute bill and recommends its re-referral to the committee on Rules and Reference.

RE: JOBS OHIO

Representative Mecklenborg moved to amend the title as follows:

Add the names: "Mecklenborg, Adams, J., Combs, Dovilla, Grossman, Huffman."

ROBERT MECKLENBORG	JOHN ADAMS
COURTNEY COMBS	LOUIS W. BLESSING
REX DAMSCHRODER	RANDY GARDNER
RICHARD HOLLINGTON	MIKE DOVILLA
CHERYL GROSSMAN	MATT HUFFMAN
RON YOUNG	JIM BUCHY
CLIFF HITE	

The following members voted "NO"

MATT LUNDY	MICHAEL STINZIANO
KATHLEEN CLYDE	BILL PATMON
RON GERBERRY	TERESA FEDOR
TED CELESTE	VERNON SYKES

The report was agreed to.

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

Representative Gerberry submitted the following report:

The standing committee on State Government and Elections to which was referred **H. B. No. 29**-Representative Mecklenborg, having had the same under consideration, reports it back and recommends its passage.

RE: REVISE HAMILTON COUNTY MUNICIPAL COURT

Representative Mecklenborg moved to amend the title as follows:

Add the names: "Combs, Blessing, Gardner, Huffman, Dovilla, Grossman, Young, Buchy, Hite, Adams, J., Stinziano, Gerberry, Patmon."

COURTNEY COMBS	LOUIS W. BLESSING
RANDY GARDNER	MATT HUFFMAN

MIKE DOVILLA  
RON YOUNG  
CLIFF HITE  
MATT LUNDY  
MICHAEL STINZIANO  
BILL PATMON  
VERNON SYKES  
ROBERT MECKLENBORG

CHERYL GROSSMAN  
JIM BUCHY  
JOHN ADAMS  
TERESA FEDOR  
KATHLEEN CLYDE  
TED CELESTE  
RON GERBERRY

The report was agreed to.

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

Message from the Speaker

Pursuant to Section 127.12 of the Ohio Revised Code, the Speaker hereby appoints the following members to the Controlling Board:

Representatives Amstutz, Hottinger, and Luckie.

Message from the Speaker

Pursuant to Section 4121.123 of the Ohio Revised Code, the Speaker hereby appoints Nick Nardi to the Workers' Compensation Board of Directors Nominating Committee.

Message from the Speaker

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

Rules and Reference: Appoint Representative Brenner;

Health and Aging Subcommittee on Retirement and Pensions: Remove Representatives Gardner and Hackett; appoint Representatives Hollington and Goodwin.

Message from the Speaker

Pursuant to Section 4901.021 of the Ohio Revised Code, the Speaker hereby appoints Sam Randazzo to the Public Utilities Commission Nominating Council.

On motion of Representative Blessing, the House recessed.

The House met pursuant to recess.

Representative Grossman submitted the following report:

The standing committee on Rules and Reference to which was re-referred **Sub. H. B. No. 1**-Representative Duffey, having had the same under consideration, reports it back, and recommends its re-referral to the committee on Finance and Appropriations.

RE: JOBS OHIO

LOUIS W. BLESSING  
JOHN ADAMS  
CHERYL GROSSMAN  
DEBBIE PHILLIPS  
ARMOND BUDISH

WILLIAM G. BATCHELDER  
DAVE BURKE  
ANNE GONZALES  
TRACY HEARD

The report was agreed to.

The bill was ordered to be engrossed and rereferred to the committee on Finance and Appropriations.

Representative Phillips 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. 31 - Representative Combs**

TO ADOPT THE CHILDREN'S BOOK LENTIL AS THE OFFICIAL CHILDREN'S BOOK OF THE STATE AND TO DESIGNATE ITS AUTHOR, ROBERT MCCLOSKEY, AS THE OFFICIAL CHILDREN'S BOOK AUTHOR OF THE STATE.

To the committee on State Government and Elections

**H.B. No. 32 - Representative Amstutz, et al**

TO EXEMPT FROM THE PROFESSIONAL ENGINEERS AND SURVEYORS LAW THE PREPARATION OF PLANS OR DRAWINGS FOR A SEWAGE TREATMENT SYSTEM OR COMPONENTS OF A SYSTEM AND MEASUREMENTS CONCERNING SUCH A SYSTEM OR COMPONENTS THAT ARE NECESSARY TO COMPLY WITH THE HOUSEHOLD AND SMALL FLOW ON-SITE SEWAGE TREATMENT SYSTEMS LAW.

To the committee on Health and Aging

**H.B. No. 33 - Representative Snitchler, et al**

TO EXCLUDE THE RESIDENTIAL AND FAMILIAL INFORMATION OF A FEDERAL LAW ENFORCEMENT OFFICER FROM THE DEFINITION OF A PUBLIC RECORD, TO INCLUDE FEDERAL LAW ENFORCEMENT OFFICERS AMONG THE PROTECTED INDIVIDUALS WHO ARE AUTHORIZED TO REQUEST A PUBLIC OFFICE OTHER THAN THE COUNTY AUDITOR TO REDACT THE PERSON'S ADDRESS FROM ANY RECORD MADE AVAILABLE TO THE



GENERAL PUBLIC ON THE INTERNET, AND TO INCLUDE THOSE OFFICERS AMONG THE PROTECTED INDIVIDUALS WHO MAY REQUEST THE COUNTY AUDITOR TO REPLACE THE PERSON'S NAME WITH THE PERSON'S INITIALS ON THE GENERAL TAX LIST AND DUPLICATE.

To the committee on Judiciary and Ethics

**H.B. No. 34 - Representative Snitchler, et al**

TO REQUIRE A MANDATORY PRISON TERM FOR SEXUAL BATTERY, EXPAND THE OFFENSE OF SEXUAL IMPOSITION, AND REQUIRE A MANDATORY PRISON TERM OR JAIL TERM FOR UNLAWFUL SEXUAL CONDUCT WITH A MINOR, GROSS SEXUAL IMPOSITION, IMPORTUNING, AND ENDANGERING CHILDREN UNDER SPECIFIED CIRCUMSTANCES INVOLVING A VICTIM WHO IS A MINOR OR STUDENT AND AN OFFENDER WHO IS A PERSON IN AUTHORITY WITH RESPECT TO THE VICTIM.

To the committee on Criminal Justice

**H.B. No. 35 - Representative Sears, et al**

TO REQUIRE THE CLASSROOM AND BEHIND-THE-WHEEL INSTRUCTION THAT IS GIVEN TO MINORS IN DRIVER EDUCATION COURSES TO INCLUDE INSTRUCTION ON THE PROPER DRIVING TECHNIQUES THAT NONCOMMERCIAL MOTOR VEHICLE OPERATORS SHOULD UTILIZE IN ORDER TO SHARE THE ROADWAY WITH LARGE COMMERCIAL MOTOR VEHICLES SAFELY.

To the committee on Transportation, Public Safety, and Homeland Security

**H.B. No. 36 - Representatives Kozlowski and Carey, et al**

TO EXCUSE UP TO FIVE, INSTEAD OF THREE, CALAMITY DAYS FOR THE 2010-2011 SCHOOL YEAR, TO BROADEN SCHOOLS' AUTHORITY TO MAKE UP CALAMITY DAYS BY LENGTHENING REMAINING DAYS IN THE SCHOOL YEAR, AND TO DECLARE AN EMERGENCY.

To the committee on Education

**H.B. No. 37 - Representative Luckie, Combs**

TO REQUIRE THAT A REGISTRANT UNDER THE SEX OFFENDER REGISTRATION AND NOTIFICATION LAW WHO DOES NOT HAVE A FIXED RESIDENCE ADDRESS PROVIDE A DETAILED DESCRIPTION OF THE PLACES AT WHICH THE REGISTRANT INTENDS TO STAY UPON INITIAL REGISTRATION AND, IF THE REGISTRANT IS A TIER III REGISTRANT, A PREDATOR, OR IN ANOTHER SPECIFIED CATEGORY, BE MONITORED BY AN ACTIVE GLOBAL POSITIONING SYSTEM DEVICE UNTIL THE REGISTRANT ACQUIRES A FIXED RESIDENCE ADDRESS.

To the committee on Criminal Justice

**H.B. No. 38 - 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. 39 - Representative Luckie**

TO MAKE CHANGES TO LAWS REGARDING PROPRIETARY SCHOOLS.

To the committee on Education

**H.B. No. 40 - Representative Damschroder, et al**

TO MAKE THE OHIO TURNPIKE COMMISSION RESPONSIBLE FOR MAJOR MAINTENANCE AND REPAIR AND REPLACEMENT OF GRADE SEPARATIONS AT INTERSECTIONS OF ANY TURNPIKE PROJECT WITH COUNTY AND TOWNSHIP ROADS.

To the committee on Transportation, Public Safety, and Homeland Security

**H.B. No. 41 - Representative Boose, et al**

TO DECREASE BY 5% THE SALARIES OF GENERAL ASSEMBLY MEMBERS AND OF THE STATEWIDE ELECTED EXECUTIVE OFFICERS UNTIL CERTAIN INCREASES OCCUR IN THE GROSS DOMESTIC PRODUCT OF OHIO.

To the committee on State Government and Elections

**H.B. No. 42 - Representative Boose, et al**

TO DESIGNATE A PORTION OF UNITED STATES ROUTE 20 IN RIDGEFIELD TOWNSHIP AND THE VILLAGE OF MONROEVILLE AS THE "ARMY PRIVATE JASON L. SPARKS MEMORIAL HIGHWAY."

To the committee on Transportation, Public Safety, and Homeland Security

**H.B. No. 43 - Representatives Goyal and Williams, et al**

TO INCREASE THE ANNUAL AND AGGREGATE LIMIT ON THE AMOUNT OF TAX CREDITS THE OHIO VENTURE CAPITAL AUTHORITY MAY AUTHORIZE.

To the committee on Economic and Small Business Development

**H.B. No. 44 - Representatives Goyal and Garland, et al**

TO CREATE THE SMALL BUSINESS WORKING CAPITAL LOAN PROGRAM.

To the committee on Economic and Small Business Development

LOUIS W. BLESSING  
JOHN ADAMS  
ANNE GONZALES  
ARMOND BUDISH  
DEBBIE PHILLIPS

WILLIAM G. BATCHELDER  
DAVE BURKE  
CHERYL GROSSMAN  
TRACY HEARD

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

**H.R. No. 26 - Representatives Murray and Boose, Speaker Batchelder, Representative Budish, J. Adams, R. Adams, Amstutz, Anielski, Antonio, Ashford, Baker, Balderson, Barnes, Beck, Blair, Blessing, Boyd, Brenner, Bupp, Buchy, Burke, Butler, Carey, Carney, Celeste, Clyde, Coley, Combs, Damschroder, DeGeeter, Derickson, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gentile, Gerberry, Gonzales, Goodwin, Goyal, Grossman, Hackett, Hagan, Hall, Hayes, Heard, Henne, Hollington, Hottinger, Huffman, Johnson, Kozlowski, Landis, Letson, Luckie, Lundy, Maag, Mallory, Martin, McClain, McGregor, McKenney, Mecklenborg, Milkovich, Newbold, O'Brien, Okey, Patmon, Peterson, Phillips, Pillich, Ramos, Reece, Roegner, Rosenberger, Ruhl, Schuring, Sears, Slaby, Slesnick, Snitchler, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Thompson, Uecker, Wachtmann, Weddington, Williams, Winburn, Young, Yuko**

In memory of the Honorable Clifford F. Brown.

/s/ LOUIS BLESSING  
Louis Blessing, Chair

Representative Burke 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.

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

**H.R. No. 22 - Representatives Slesnick, Snitchler**

Recognizing Give Kids a Smile Day in Ohio, February 4, 2011.

**H.R. No. 23 - Snitchler**

Honoring the Louisville High School boys cross country team as the 2010 Division I State Champion.

**H.R. No. 24 - Driehaus**

Honoring Henke Winery as the 2010 Ohio Wine Competition Best of Show for red wine.

**H.R. No. 25- Driehaus**

Honoring the Elder High School boys volleyball team as the 2010 OHSBVA State Champion.

/s/ LOUIS BLESSING  
Louis Blessing, Chair

Representative Burke 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 Burke, the House adjourned until Tuesday, February 1, 2011 at 11:00 o'clock a.m.

Attest:

THOMAS L. SHERMAN,  
Deputy Clerk.