

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, MAY 18, 2005

FIFTY-SECOND DAY

Hall of the House of Representatives, Columbus, Ohio
Wednesday, May 18, 2005 at 1:30 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Aaron Turner of the Northwest Bible Church in Hilliard, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

The following guests of the House of Representatives were recognized by Speaker Husted prior to the commencement of business:

Anne Eichinger received H.R. No. 36, presented by Representative Hartnett-73rd district.

Ray Wohl and Al Budney, guests of Representatives DeGeeter-15th district and T. Patton-18th district.

Barbara Beck and students from St. Bernard's School, guests of Representative Blessing-29th district.

Joshua Mikutis and Andrew Short, guests of Representative Allen-39th district.

Mary Ellen Mann, Anne Marie Mann, Barbara Kudley, Wanda Fortney, and Joan Martin guests of Representative Chandler-68th district.

Kreg Allison, a guest of Representative Seaver-78th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 265-Representatives Seitz, T. Patton, Fende, Wagoner, McGregor, Fessler, D. Evans, C. Evans, Gilb, Core, Harwood, Walcher, Cassell, Martin, Buehrer, Willamowski, Barrett, Collier, Oelslager, Daniels, Brown, Raga, Schneider, Combs, Hartnett, Reidelbach, Gibbs, Sayre, Latta.

To amend section 2107.27 and to enact section 2107.24 of the Revised Code to provide a procedure for a probate court to treat a document as a will notwithstanding its noncompliance with the statutory formalities for executing wills.

H. B. No. 266-Representatives Seitz, Combs, Aslanides, Schneider, Reidelbach, Mason, Blessing, Book.

To amend sections 107.08, 1901.06, 1907.13, 2101.02, 2101.021, 2301.01, 2301.02, 2301.03, 2501.02, 2503.01, 2503.02, and 2503.03, to enact sections

2501.021 and 2503.51, and to repeal sections 2501.011, 2501.012, and 2501.013 of the Revised Code to increase the terms of office for judges of the courts of common pleas, courts of appeals, and the Supreme Court, to change the qualifications for all judges, and to require the Supreme Court to establish a qualification program for candidates for judicial office.

H. B. No. 267-Representatives Key, S. Smith, Skindell, Hood, Miller, S. Patton, Yuko, Allen, Brown, Brinkman, Redfern, Barrett.

To amend sections 3923.233, 3923.301, 4701.16, 4703.15, 4707.02, 4707.15, 4709.13, 4712.03, 4715.30, 4717.14, 4719.03, 4723.07, 4723.28, 4723.34, 4725.53, 4727.15, 4728.13, 4729.16, 4729.53, 4729.56, 4731.22, 4731.224, 4731.225, 4731.226, 4731.25, 4732.17, 4733.20, 4734.31, 4734.39, 4735.07, 4735.09, 4735.13, 4735.27, 4735.28, 4738.04, 4738.07, 4738.18, 4740.06, 4740.10, 4741.22, 4747.12, 4749.03, 4749.04, 4749.06, 4751.10, 4753.10, 4755.10, 4755.47, 4755.64, 4757.36, 4758.30, 4759.07, 4760.13, 4761.09, 4762.13, 4763.11, 4765.18, 4779.28, and 4781.09 and to enact section 4743.06 of the Revised Code to revise the laws governing issuance of certain professional licenses.

H. B. No. 268-Representatives Faber, Gilb, Fessler, McGregor, Wagner, Reidelbach, Brinkman, Seaver, Wolpert.

To amend sections 2101.12, 2101.16, 2101.24, 3101.05, 3101.13, 3101.99, 3103.01, 3103.06, 3105.01, 3105.08, 3105.091, 3105.10, 3105.17, 3105.171, 3105.18, 3105.31, 3105.61, 3105.62, 3105.64, 3105.65, 3107.03, 3705.21, and 3705.24 and to enact sections 109.021, 2101.241, 3101.20 to 3101.23, 3101.26 to 3101.29, 3105.012, 3105.092, and 3105.172 of the Revised Code relative to covenant marriages and to require premarital education and assessment for all applicants for marriage licenses.

H. B. No. 269-Representatives Willamowski, DeGeeter.

To amend section 2907.07 of the Revised Code to raise from 13 to 14 the age below which the victim must be or appear to be for the higher penalties for the offense of importuning to apply and to increase the penalty for the offense of importuning.

H. B. No. 270-Representative Willamowski.

To amend sections 145.01, 145.33, and 145.49 of the Revised Code to create special provisions in the Public Employees Retirement System for public safety officials.

H. B. No. 271-Representatives Bubp, Hood, Martin, McGregor, Uecker, Key, S. Patton.

To amend sections 4503.233, 4503.234, 4507.02, 4507.164, 4510.16, 4510.161, and 4510.41 of the Revised Code to eliminate the penalty of vehicle seizure and subsequent impoundment or forfeiture for persons convicted of driving while under suspension imposed due to a financial responsibility law violation.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Carano submitted the following report:

The standing committee on Education to which was referred **H. B. No. 115**-Representative Setzer, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: EDUCATIONAL REGIONAL SERVICE SYSTEM - ESTABLISH

Representative Setzer moved to amend the title as follows:

Add the names: "Carano, C. Evans, Chandler."

ARLENE J. SETZER
STEVE REINHARD
W. SCOTT OELSLAGER
DERRICK SEAVER
JON M. PETERSON
KATHLEEN CHANDLER
CATHERINE L. BARRETT
BRIAN G. WILLIAMS
RONALD HOOD
KENNETH A. CARANO

DIANA M. FESSLER
JOHN SCHLICHTER
CLYDE EVANS
MARY TAYLOR
DIXIE J. ALLEN
L. GEORGE DISTEL
CLAUDETTE J. WOODARD
LINDA S. REIDELBACH
SHAWN N. WEBSTER

The following members voted "NO"

JENNIFER GARRISON

JEFF WAGNER

The report was agreed to.

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

Representative Healy 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. 252 - Representative Distel, et al

TO ALLOW OHIO PUBLIC AGENCIES TO OBTAIN CERTIFIED COPIES OF VITAL RECORDS WITHOUT BEING ASSESSED A FEE.

To the committee on State Government

H.B. No. 253 - Representative Webster, et al

TO MAKE THE PENALTIES FOR DRIVING UNDER A LICENSE SUSPENSION SIMILAR TO THOSE UNDER THE STATE OVI LAW, TO INCREASE THE PENALTIES FOR DRIVING UNDER SUSPENSION AND OPERATING A MOTOR VEHICLE WITHOUT A VALID LICENSE WHEN THE OFFENDER IS INVOLVED IN AN ACCIDENT THAT CAUSES DEATH OR SERIOUS PHYSICAL HARM TO ANOTHER, AND TO PROVIDE A "NO ACTUAL KNOWLEDGE" AFFIRMATIVE DEFENSE TO A CHARGE UNDER THESE PROHIBITIONS BASED ON AN ADMINISTRATIVE SUSPENSION.

To the committee on Criminal Justice

H.B. No. 254 - Representative Collier, et al

TO REQUIRE THAT SCHOOL DISTRICTS AND CHARTERED NONPUBLIC SCHOOLS BE OPEN FOR 1,060 HOURS OF INSTRUCTION A YEAR FOR GRADES ONE THROUGH SIX, AND 1,200 HOURS FOR GRADES SEVEN THROUGH TWELVE.

To the committee on Education

H.B. No. 255 - Representative Sayre, et al

TO CREATE A NONREFUNDABLE TAX CREDIT FOR PHYSICIANS FOR SERVICES RENDERED TO PATIENTS AND EXPENSES INCURRED IN RENDERING THOSE SERVICES, FOR WHICH THE PHYSICIANS WERE NOT PAID.

To the committee on Ways and Means

S.B. No. 128 - Senator Cates, et al

TO ADD ONE ADDITIONAL JUDGE FOR THE GENERAL DIVISION OF THE BUTLER COUNTY COURT OF COMMON PLEAS TO BE ELECTED IN 2006.

To the committee on Judiciary

JON A. HUSTED
 JIM CARMICHAEL
 KEVIN DEWINE
 MERLE GRACE KEARNS
 JOHN SCHLICHTER
 SHAWN N. WEBSTER
 KENNETH A. CARANO
 WILLIAM J. HEALY
 ROBERT J. OTTERMAN

CHARLES E. CALVERT
 ANTHONY CORE
 LARRY L. FLOWERS
 TOM RAGA
 GEOFFREY C. SMITH
 JOYCE BEATTY
 TIMOTHY J. DEGEETER
 JOSEPH KOZIURA

Representative Blasdel 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 the House Bills and 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 a second time and referred as recommended.

MOTIONS AND RESOLUTIONS

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

H.R. No. 57 - Representatives Ujvagi, Brown, Perry, Redfern, Wagoner
IN MEMORY OF SERGEANT ANDY ECKERT.

Add the names: Beatty, Carano, Koziura, Otterman

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Blasdel 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 Healy reported for the Rules and Reference Committee recommending that the following House Resolution be read by title only and approved:

H.R. No. 58 - Representatives Domenick, Sayre
HONORING SUE FRENO AS NATIONAL CORRECTIONAL OFFICER
OF THE YEAR.

/s/ JON A. HUSTED

Jon A. Husted, Chair

Representative Blasdel 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 DeWine moved that majority party members asking leave to be absent or absent the week of Tuesday, May 17, 2005, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Driehaus moved that minority party members asking leave to be absent or absent the week of Tuesday, May 17, 2005, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

H. C. R. No. 9-Representatives Trakas, Ujvagi, McGregor, Kearns, DeGeeter, Martin, Miller, Carano, Willamowski, Skindell, Distel, Buehrer.

To urge the President of the United States and the Congress of the United States to include in the United States Department of State's Visa Waiver Program those members of the North Atlantic Treaty Organization that are not currently participating in the Program, was taken up for consideration the third time.

The question being, "Shall the concurrent resolution be adopted?"

Representative Trakas moved to amend the title as follows:

Add the names: "Bocchieri, Cassell, Collier, Combs, DeBose, Dolan, Domenick, C. Evans, D. Evans, Faber, Flowers, Hagan, Hoops, Hughes, Key, Law, Mason, Reidelbach, Schaffer, Schlichter, Schneider, Seaver, Seitz, Setzer, G. Smith, White, Widowfield."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

The question being, "Shall the concurrent resolution be adopted?"

The yeas and nays were taken and resulted - yeas 98, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blessing	Bocchieri	Book	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Dolan	Domenick	Driehaus
Evans C.	Evans D.	Faber	Fende
Fessler	Flowers	Garrison	Gibbs
Gilb	Hagan	Hartnett	Harwood
Healy	Hood	Hoops	Hughes
Kearns	Key	Kilbane	Koziura
Latta	Law	Martin	Mason
McGregor	Miller	Mitchell	Oelslager
Otterman	Patton S.	Patton T.	Perry
Peterson	Raga	Raussen	Redfern
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Skindell	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Taylor	Trakas	Uecker	Ujvagi
Wagner	Wagoner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Woodard	Yates
Yuko			Husted-98.

The concurrent resolution was adopted.

Sub. H. B. No. 56-Representatives Raussen, Seitz, Brinkman, McGregor, D. Evans, Fessler, Aslanides, Koziura, Barrett, Reidelbach, Gilb, Buehrer, Hood, Daniels, Taylor, Martin, Gibbs, Faber, Raga, Blessing, Schneider, Uecker, Bulp, J. Stewart, Schaffer, Webster, Key, Law, Widowfield.

To enact section 4511.092 of the Revised Code to allow the use of a traffic law photo-monitoring device to detect traffic law violations only if a law enforcement officer is present at the location of the device and issues tickets at the time and location of the violations, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Raussen moved to amend as follows:

In line 37, delete "citation" and insert "citations"

The question being, "Shall the motion to amend be agreed to?"

The motion was agreed to without objection.

The question being, "Shall the bill as amended pass?"

Representative Webster moved to amend as follows:

In line 7, delete "section" and insert "sections"; after "4511.092" insert "and 4511.093"

After line 38, insert:

Sec. 4511.093. The time period during which a traffic control signal displays a yellow light or yellow arrow shall conform with the provisions contained in the manual adopted by the department of transportation pursuant to section 4511.09 of the Revised Code governing the time of display of yellow lights and yellow arrows by traffic control signals, and that time period shall not be shorter than the time period prescribed by that manual for intersections that are of the same type or have the same characteristics as the intersection at which the traffic control signal is located.

In line 1 of the title, delete "section" and insert "sections"; after "4511.092" insert "and 4511.093"

In line 6 of the title, after "violations" insert ", and to require the time period during which traffic control signals display yellow lights or yellow arrows to conform with the applicable provisions of the Manual of Uniform Traffic Control Devices"

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 93, nays 4, as follows:

Those who voted in the affirmative were: Representatives

Allen

Aslanides

Barrett

Blessing

Boccieri	Book	Brinkman	Brown
Bubp	Buehrer	Calvert	Carano
Carmichael	Cassell	Chandler	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Dolan	Domenick	Driehaus	Evans C.
Evans D.	Faber	Fende	Fessler
Flowers	Garrison	Gibbs	Gilb
Hagan	Hartnett	Harwood	Healy
Hood	Hoops	Hughes	Kearns
Key	Kilbane	Koziura	Latta
Law	Martin	McGregor	Miller
Mitchell	Oelslager	Patton S.	Patton T.
Perry	Peterson	Raga	Rausen
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Skindell	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Woodard	Yates	Yuko
			Husted-93.

Representatives Beatty, Mason, Redfern, and Sykes voted in the negative-4.

The motion was agreed to and the bill so amended.

The question recurring, "Shall the bill as amended pass?"

Representative DeGeeter moved to amend as follows:

In line 21, after "(B)" insert "(1)"

Between lines 31 and 32, insert:

"(2) A local authority that authorizes the law enforcement agency of that local authority to utilize a traffic law photo-monitoring device at a highway railroad grade crossing located within a railroad quiet zone created pursuant to sections 4955.41 to 4955.47 of the Revised Code that is located within its boundaries to determine compliance with, or to detect a violation of, a municipal ordinance or any provision of the Revised Code that governs or regulates the operation of motor vehicles may provide that the traffic law photo-monitoring device may be so utilized and operated for such purposes without a law enforcement officer being present at the location of the traffic law photo-monitoring device to issue tickets, citations, or summonses at the time and location of the traffic law violations."

In line 37, delete "citation" and insert "citations"

The question being, "Shall the motion to amend be agreed to?"

Representative Flowers moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 56, nays 41, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blessing	Bubp	Buehrer
Calvert	Carmichael	Coley	Collier
Combs	Core	Daniels	DeWine
Dolan	Evans C.	Evans D.	Faber
Fessler	Flowers	Gibbs	Gilb
Hagan	Hood	Hoops	Hughes
Kearns	Kilbane	Latta	Law
McGregor	Oelslager	Peterson	Raga
Rausson	Reidelbach	Reinhard	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Smith G.	Stewart J.	Taylor
Trakas	Uecker	Wagner	Wagoner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Wolpert	Husted-56.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano
Cassell	Chandler	DeBose	DeGeeter
Distel	Domenick	Driehaus	Fende
Garrison	Hartnett	Harwood	Healy
Key	Koziura	Martin	Mason
Miller	Mitchell	Patton S.	Patton T.
Perry	Redfern	Sayre	Skindell
Smith S.	Stewart D.	Strahorn	Sykes
Ujvagi	Williams	Woodard	Yates
			Yuko-41.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Ujvagi moved to amend as follows:

In line 21, delete "A" and insert "If a"; delete "that"

In line 26, after "vehicles" insert ", the local authority"

Delete lines 27 through 31 and insert "number of traffic law photo-monitoring devices installed and operating at any given time within its boundaries shall not exceed the greater of one device per six square miles of area of the local authority or one device per twenty thousand persons residing within the local authority according to the most recent federal decennial census."

In line 1 of the title, after "to" insert "limit the use of traffic law photo-monitoring devices by a local authority to the greater of one device per six square miles of area of the local authority or one device per 20,000 persons residing within the local authority, and to"

In line 3 of the title, after "device" insert "by the State Highway Patrol"

In line 4 of the title, delete "law enforcement officer" and insert "trooper"

The question being, "Shall the motion to amend be agreed to?"

Representative Flowers moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 58, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blessing	Bubp	Buehrer
Calvert	Carmichael	Coley	Collier
Combs	Core	Daniels	DeWine
Dolan	Evans C.	Evans D.	Faber
Fessler	Flowers	Gibbs	Gilb
Hagan	Hood	Hoops	Hughes
Kearns	Key	Kilbane	Latta
Law	Martin	McGregor	Oelslager
Patton T.	Peterson	Raga	Rausssen
Reidelbach	Reinhard	Schaffer	Schlichter
Seaver	Seitz	Setzer	Smith G.
Stewart J.	Taylor	Trakas	Uecker
Wagner	Wagoner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Wolpert			Husted-58.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano
Cassell	Chandler	DeBose	DeGeeter
Distel	Domenick	Driehaus	Fende
Garrison	Hartnett	Harwood	Healy
Koziura	Mason	Miller	Mitchell
Patton S.	Perry	Redfern	Sayre
Skindell	Smith S.	Stewart D.	Strahorn
Sykes	Ujvagi	Williams	Woodard
Yates			Yuko-38.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Ujvagi moved to amend as follows:

In line 26, delete "provide that the"

Delete lines 27 through 31 and insert "establish in its treasury a traffic law photo-monitoring device revenue fund. The local authority shall deposit all net revenue collected from persons who pay a ticket, citation, or summons resulting from the use by the law enforcement agency of that local authority of a traffic law photo-monitoring device into that fund. The local authority shall use the money in the fund only to pay for expenditures that relate directly to public safety within that local authority, such as safe driver advertisements and

education programs, activities relating to OVI enforcement, and new or improved technology for use by its law enforcement agency."

In line 1 of the title, after "to" insert "require all net revenues that a local authority collects from the use of traffic law photo-monitoring devices to be used for public safety purposes, and to"

In line 3 of the title, after "device" insert "by the State Highway Patrol"

In line 4 of the title, delete "law enforcement officer" and insert "trooper"

The question being, "Shall the motion to amend be agreed to?"

Representative Flowers moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 57, nays 39, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blessing	Bubp	Buehrer
Calvert	Carmichael	Coley	Collier
Combs	Core	Daniels	DeWine
Dolan	Evans C.	Evans D.	Faber
Fessler	Flowers	Gibbs	Gilb
Hagan	Hoops	Hughes	Key
Kilbane	Latta	Law	Martin
McGregor	Oelslager	Patton T.	Peterson
Raga	Rausen	Reidelbach	Reinhard
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Smith G.	Stewart J.
Taylor	Trakas	Uecker	Wagner
Wagoner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Wolpert
			Husted-57.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano
Cassell	Chandler	DeBose	DeGeeter
Distel	Domenick	Driehaus	Fende
Garrison	Hartnett	Harwood	Healy
Hood	Koziura	Mason	Miller
Mitchell	Patton S.	Perry	Redfern
Sayre	Skindell	Smith S.	Stewart D.
Strahorn	Sykes	Ujvagi	Williams
Woodard	Yates		Yuko-39.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Ujvagi moved to amend as follows:

In line 21, after "(B)" insert "(1)"

In line 28, delete "when a law enforcement officer is"

Delete lines 29 through 31 and insert "after the local authority obtains the written documentation described in division (B)(2)(a) of this section."

Between lines 31 and 32, insert:

"(2)(a) Prior to installing a traffic law photo-monitoring device at an intersection, a local authority shall obtain written documentation from the department of transportation certifying that the time periods during which all the traffic control signals located at that intersection display a yellow light or yellow arrow conform with the provisions contained in the manual adopted by the department of transportation pursuant to section 4511.09 of the Revised Code governing the time of display of yellow lights and yellow arrows by traffic control signals. The local authority shall pay the department all costs associated with providing the written documentation.

(b) During the time period that a traffic law photo-monitoring device is located and operating at an intersection, the local authority shall obtain the written documentation described in division (B)(2)(a) of this section from the department once every twelve months. If a local authority does not obtain the documentation described in division (B)(2)(a) of this section in a timely manner as prescribed by divisions (B)(2)(a) and (b) of this section, any ticket, citation, or summons issued to a person based upon any information obtained by a traffic law photo-monitoring device at that intersection, whether criminal or civil in nature, is void."

In line 32, after "(C)" insert "The department of transportation shall develop technical standards governing the use of traffic law photo-monitoring devices by local authorities, and all local authorities shall adhere to the standards. Subjects of a technical nature that the standards shall address include criteria for selecting locations at which the devices may be installed and technical specifications that the devices must meet in order to be utilized by local authorities.

(D) Prior to the issuance of a ticket, citation, or summons, only a law enforcement officer employed by the law enforcement agency of a local authority may examine a photograph, videotape, or digital image recorded by a traffic law photo-monitoring device to determine whether a motor vehicle has violated a municipal ordinance or a provision of the Revised Code that governs or regulates the operation of motor vehicles. If the photograph, videotape, or digital image shows a violation, contains a notation of the date and time of the alleged violation, and permits the law enforcement officer to read the letters and numbers on the motor vehicle's rear license plate, the law enforcement officer shall attest to the violation in writing prior to the issuance of a ticket, citation, or summons for the violation. No ticket, citation, or summons based upon a photograph, videotape, or digital image recorded by a traffic law photo-monitoring device shall be issued without the written attestation.

(E) A person who is issued a ticket, citation, or summons by a local

authority alleging a violation of a municipal ordinance or a provision of the Revised Code that governs or regulates the operation of motor vehicles that is civil in nature and is based upon a photograph, videotape, or digital image recorded by a traffic law photo-monitoring device shall have the opportunity to contest the violation at a hearing conducted by a hearing officer. In no case shall the law enforcement officer who attested to the violation be the hearing officer.

The person shall be informed of the hearing in writing not less than fourteen days prior to the date of the hearing. At the hearing, the person may present evidence on the person's behalf, may question the law enforcement officer who attested to the violation, and may examine all evidence of the local authority against the person upon demand, including the photograph, videotape, or digital image recorded by the traffic law photo-monitoring device that served as the basis for issuance of the ticket, citation, or summons.

If, at the conclusion of the hearing, the hearing officer finds against the person and upholds the ticket, citation, or summons, the person has the right to appeal the decision to the municipal court or county court that has jurisdiction over the location where the violation is alleged to have occurred. The municipal court or county court hereby has jurisdiction to hear the appeal. If the person wishes to exercise this right of appeal, the person shall inform the hearing officer not less than five days after the hearing, and the hearing officer shall inform the municipal court clerk or county court clerk of that fact, and the court shall schedule the case in the same manner as any other case.

(F) If the person who is issued a ticket, citation, or summons under this section is a motor vehicle leasing dealer, upon receipt of the ticket, citation, or summons the dealer shall inform the law enforcement agency that issued the ticket, citation, or summons that the dealer is not liable for the violation alleged by the ticket, citation, or summons because at the time of the violation the vehicle was in the care, custody, or control of a person other than the dealer pursuant to a written lease agreement. This fact may be established by a copy of the written lease agreement or an affidavit stating the name and address of the lessee in possession of the motor vehicle at the time of the violation.

(G)"

In line 1 of the title, after "to" insert "require ODOT to develop technical standards governing the use of traffic law photo-monitoring devices; to require a law enforcement officer to attest to a violation based upon information from a traffic law photo-monitoring device; to provide a person who is issued a ticket based upon information from a traffic law photo-monitoring device with a right to a hearing and a right of appeal to a municipal or county court; to establish a procedure that a motor vehicle leasing company must follow if it receives a ticket based upon information from a traffic law photo-monitoring device; and to"

In line 3 of the title, after "device" insert "by the State Highway Patrol"

In line 4 of the title, delete "law enforcement officer" and insert "trooper"

The question being, "Shall the motion to amend be agreed to?"

Representative Flowers moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 58, nays 39, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blessing	Bubp	Buehrer
Calvert	Carmichael	Coley	Collier
Combs	Core	Daniels	DeWine
Dolan	Evans C.	Evans D.	Faber
Fessler	Flowers	Gibbs	Gilb
Hagan	Hoops	Hughes	Kearns
Key	Kilbane	Latta	Law
Martin	McGregor	Oelslager	Patton T.
Peterson	Raga	Raussen	Reidelbach
Reinhard	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Smith G.
Stewart J.	Taylor	Trakas	Uecker
Wagner	Wagoner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Wolpert			Husted-58.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano
Cassell	Chandler	DeBose	DeGeeter
Distel	Domenick	Driehaus	Fende
Garrison	Hartnett	Harwood	Healy
Hood	Koziura	Mason	Miller
Mitchell	Patton S.	Perry	Redfern
Sayre	Skindell	Smith S.	Stewart D.
Strahorn	Sykes	Ujvagi	Williams
Woodard	Yates		Yuko-39.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Ujvagi moved to amend as follows:

After line 38, insert:

"(D) This section does not apply to any municipal corporation that has adopted a charter under Article XVIII, Ohio Constitution."

The question being, "Shall the motion to amend be agreed to?"

Representative Flowers moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 60, nays 37, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blessing	Bubp	Buehrer
Calvert	Carmichael	Coley	Collier
Combs	Core	Daniels	DeWine
Dolan	Evans C.	Evans D.	Faber
Fessler	Flowers	Gibbs	Gilb
Hagan	Hood	Hoops	Hughes
Kearns	Key	Kilbane	Latta
Law	Martin	McGregor	Oelslager
Patton T.	Peterson	Raga	Rausen
Reidelbach	Reinhard	Schaffer	Schlichter
Schneider	Seaver	Seitz	Setzer
Smith G.	Stewart J.	Taylor	Trakas
Uecker	Wagner	Wagoner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wolpert	Yates	Husted-60.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano
Cassell	Chandler	DeBose	DeGeeter
Distel	Domenick	Driehaus	Fende
Garrison	Hartnett	Harwood	Healy
Koziura	Mason	Miller	Mitchell
Patton S.	Perry	Redfern	Sayre
Skindell	Smith S.	Stewart D.	Strahorn
Sykes	Ujvagi	Williams	Woodard
			Yuko-37.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Perry moved to amend as follows:

After line 38, insert:

"(D) This section does not apply to any municipal corporation, county, or township that, on the effective date of this section, has installed and is operating at least one traffic law photo-monitoring device at a location within its boundaries."

The question being, "Shall the motion to amend be agreed to?"

On motion of Representative Perry, the House recessed.

The House met pursuant to recess.

Representative Perry moved to withdraw the amendment.

The motion was agreed to without objection.

The question recurring, "Shall the bill as amended pass?"

Representative Perry moved to amend as follows:

After line 38, insert:

"(D) This section does not apply to any municipal corporation, county, or township that, prior to January 1, 2005, has installed and is operating at least one traffic law photo-monitoring device at a location within its boundaries."

The question being, "Shall the motion to amend be agreed to?"

Representative Flowers moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 57, nays 40, as follows:

Those who voted in the affirmative were: Representatives

Blessing	Bubp	Buehrer	Calvert
Carmichael	Coley	Collier	Combs
Core	Daniels	DeWine	Dolan
Evans C.	Evans D.	Faber	Fessler
Flowers	Gibbs	Gilb	Hagan
Hood	Hoops	Hughes	Kearns
Kilbane	Law	Martin	McGregor
Oelslager	Patton T.	Peterson	Raga
Raussen	Reidelbach	Reinhard	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Smith G.	Stewart J.	Taylor
Trakas	Uecker	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wolpert	Woodard	Yates
			Husted-57.

Those who voted in the negative were: Representatives

Allen	Aslanides	Barrett	Beatty
Bocchieri	Book	Brinkman	Brown
Carano	Cassell	Chandler	DeBose
DeGeeter	Distel	Domenick	Driehaus
Fende	Garrison	Hartnett	Harwood
Healy	Key	Koziura	Latta
Mason	Miller	Mitchell	Patton S.
Perry	Redfern	Sayre	Skindell
Smith S.	Stewart D.	Strahorn	Sykes
Ujvagi	Wagoner	Williams	Yuko-40.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Redfern moved that **Sub. H. B. No. 56**-Representative Raussen, et al., be rereferred to the committee on Transportation, Public Safety, and Homeland Security.

The question being, "Shall the motion to rerefer be agreed to?"

The yeas and nays were taken and resulted - yeas 37, nays 60, as follows:

Those who voted in the affirmative were: Representatives

Allen	Barrett	Beatty	Bocchieri
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Book	Brown	Carano	Chandler
DeBose	DeGeeter	Distel	Domenick
Driehaus	Fende	Garrison	Hagan
Hartnett	Harwood	Healy	Key
Koziura	Mason	Miller	Mitchell
Patton S.	Patton T.	Perry	Redfern
Sayre	Skindell	Smith S.	Stewart D.
Strahorn	Sykes	Ujvagi	Williams
			Woodard-37.

Those who voted in the negative were: Representatives

Aslanides	Blessing	Brinkman	Bubp
Buehrer	Calvert	Carmichael	Cassell
Coley	Collier	Combs	Core
Daniels	DeWine	Dolan	Evans C.
Evans D.	Faber	Fessler	Flowers
Gibbs	Gilb	Hood	Hoops
Hughes	Kearns	Kilbane	Latta
Law	Martin	McGregor	Oelslager
Peterson	Raga	Rausen	Reidelbach
Reinhard	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Smith G.
Stewart J.	Taylor	Trakas	Uecker
Wagner	Wagoner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Wolpert	Yates	Yuko	Husted-60.

The motion was not agreed to.

The question recurring, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 73, nays 24, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blessing	Bocchieri	Book
Brinkman	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Dolan	Evans C.	Evans D.	Faber
Fende	Fessler	Flowers	Garrison
Gibbs	Gilb	Hartnett	Harwood
Healy	Hood	Hoops	Hughes
Kearns	Key	Kilbane	Koziura
Law	Martin	McGregor	Oelslager
Patton T.	Peterson	Raga	Rausen
Reidelbach	Reinhard	Schaffer	Schlichter
Schneider	Seaver	Seitz	Setzer
Smith G.	Stewart D.	Stewart J.	Sykes
Taylor	Trakas	Uecker	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wolpert	Woodard	Yates
			Husted-73.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Brown
Chandler	Domenick	Driehaus	Hagan
Latta	Mason	Miller	Mitchell
Patton S.	Perry	Redfern	Sayre
Skindell	Smith S.	Strahorn	Ujvagi
Wagner	Wagoner	Williams	Yuko-24.

The bill passed.

Representative Raussen moved to amend the title as follows:

Add the names: "Calvert, Coley, Collier, Flowers, Hughes, T. Patton, Peterson, Seaver, Setzer, Trakas, Yates."

Remove the names: "Barrett, Koziura."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

S. B. No. 41-Senators Clancy, Prentiss, Fedor, Cates, Spada, Wilson, Wachtmann, Mumper, Armbruster, Jacobson, Austria, Coughlin, Goodman, Gardner, Brady, Hagan, Miller, Amstutz, Niehaus, Roberts, Schuler, Dann, Mallory, Harris, Zurz. -Representatives S. Smith, Barrett, Beatty, Kearns, Reidelbach, Schneider.

To enact section 3781.55 of the Revised Code to require any place of public accommodation to allow a mother to breast-feed within the place of public accommodation, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Fessler moved to amend as follows:

In line 7, after "**3781.55**," delete the balance of the line and insert "It is the strong public policy of the State of Ohio to promote breast-feeding, including in places"

In line 8, delete "any location of a place"; delete "wherein the mother"

In line 9, delete "otherwise is permitted"

Between lines 9 and 10, insert:

"It shall not be a violation of this section for the proprietor or an employee of a place of public accommodation to suggest that a mother breast-feed her baby in a designated area of the place of public accommodation other than the restroom."

Delete line 2 of the title

In line 3 of the title, delete "a mother to breast-feed within the place" and insert "state that it is the strong public policy of the State of Ohio to promote

breast-feeding, including in places"

The question being, "Shall the motion to amend be agreed to?"

Representative S. Smith moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 52, nays 45, as follows:

Those who voted in the affirmative were: Representatives

Allen	Barrett	Boccieri	Brown
Bubp	Calvert	Carmichael	Cassell
DeBose	DeGeeter	DeWine	Distel
Domenick	Driehaus	Evans D.	Fende
Flowers	Garrison	Hartnett	Healy
Hughes	Kearns	Key	Kilbane
Latta	McGregor	Miller	Oelslager
Patton S.	Perry	Peterson	Raga
Reidelbach	Schlichter	Schneider	Seaver
Setzer	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Trakas
Uecker	Ujvagi	White	Williams
Wolpert	Yates	Yuko	Husted-52.

Those who voted in the negative were: Representatives

Aslanides	Beatty	Blessing	Book
Brinkman	Buehrer	Carano	Chandler
Coley	Collier	Combs	Core
Daniels	Dolan	Evans C.	Faber
Fessler	Gibbs	Gilb	Hagan
Harwood	Hood	Hoops	Koziura
Law	Martin	Mason	Mitchell
Patton T.	Rausen	Redfern	Reinhard
Sayre	Schaffer	Seitz	Skindell
Taylor	Wagner	Wagoner	Walcher
Webster	Widener	Widowfield	Willamowski
			Woodard-45.

The motion to amend was laid on the table.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 92, nays 5, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blessing	Boccieri	Book	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Collier	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Domenick
Driehaus	Evans C.	Evans D.	Faber
Fende	Flowers	Garrison	Gibbs
Gilb	Hagan	Hartnett	Harwood

Healy	Hood	Hoops	Hughes
Kearns	Key	Kilbane	Koziura
Latta	Law	Martin	Mason
McGregor	Miller	Mitchell	Oelslager
Patton S.	Patton T.	Perry	Peterson
Raga	Raussen	Redfern	Reidelbach
Reinhard	Sayre	Schaffer	Schlichter
Schneider	Seaver	Seitz	Setzer
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Woodard	Yates	Yuko	Husted-92.

Representatives Coley, Combs, Dolan, Fessler, and Walcher voted in the negative-5.

The bill passed.

Representative Reidelbach moved to amend the title as follows:

Add the names: "Allen, Calvert, Carano, Cassell, Chandler, Collier, DeBose, DeGeeter, Distel, Driehaus, D. Evans, Flowers, Garrison, Hood, Hughes, Key, Koziura, McGregor, Miller, T. Patton, Perry, Peterson, Sayre, Setzer, Skindell, D. Stewart, Strahorn, Sykes, Trakas, Ujvagi, White, Williams, Woodard, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 101-Representatives Wolpert, Wagner, Latta, McGregor, Kearns, Aslanides, C. Evans, Seaver, Perry, Carano, Domenick, Williams, Chandler, Daniels, Yuko, Ujvagi, Fende, Uecker.

To create the Local Government Public Notice Task Force to study local government public notice requirements and to issue a report, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 96, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blessing	Bocchieri	Book	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Dolan	Domenick	Driehaus
Evans C.	Evans D.	Faber	Fende
Fessler	Flowers	Garrison	Gibbs

Gilb	Hagan	Hartnett	Harwood
Healy	Hood	Hoops	Hughes
Kearns	Key	Kilbane	Koziura
Latta	Law	Martin	Mason
McGregor	Miller	Mitchell	Oelslager
Patton S.	Patton T.	Perry	Peterson
Raga	Raussen	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Skindell
Smith G.	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Woodard	Yates	Yuko	Husted-96.

Representative Redfern voted in the negative-1.

The bill passed.

Representative Wolpert moved to amend the title as follows:

Add the names: "Blessing, Buehrer, Cassell, Collier, Combs, Distel, D. Evans, Flowers, Gilb, Hagan, Hughes, Key, Koziura, Law, Miller, T. Patton, Reidelbach, Seitz, Setzer, G. Smith, D. Stewart, Willamowski."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 122-Representatives Wagoner, McGregor, Martin, Wagner, T. Patton, Hoops, Uecker, Seitz, Combs, Gibbs, Flowers, Collier, D. Evans, Calvert, Reidelbach, Setzer, Strahorn, Garrison, Latta, C. Evans, Kearns, Blasdel, Law, Gilb, Webster, Ujvagi, Harwood, Daniels, Carmichael, Walcher, Hartnett, D. Stewart, Book.

To amend sections 3770.07 and 3770.071 and to enact section 3123.89 of the Revised Code to prohibit the claiming and payment of a lottery prize award with a value in excess of \$599 until the beneficial owner's name, address, and Social Security number are disclosed to the State Lottery Commission, and to make changes in the procedure for the deduction of support from lottery prize awards, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 96, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blessing	Bocchieri	Book	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core

Daniels	DeBose	DeGeeter	DeWine
Distel	Dolan	Domenick	Driehaus
Evans C.	Evans D.	Faber	Fende
Fessler	Flowers	Garrison	Gibbs
Gilb	Hagan	Hartnett	Harwood
Healy	Hood	Hoops	Hughes
Kearns	Key	Kilbane	Koziura
Latta	Law	Martin	Mason
McGregor	Miller	Mitchell	Oelslager
Patton T.	Perry	Peterson	Raga
Raussen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Skindell
Smith G.	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Woodard	Yates	Yuko	Husted-96.

Representative Patton S. voted in the negative-1.

The bill passed.

Representative Wagoner moved to amend the title as follows:

Add the names: "Allen, Barrett, Brinkman, Brown, Cassell, Chandler, Coley, DeBose, Distel, Dolan, Domenick, Faber, Hughes, Key, Miller, Sayre, Schaffer, Schneider, J. Stewart, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 157-Representatives Distel, Aslanides, McGregor, S. Patton, Seitz, C. Evans, Carano, Cassell, Hartnett, Brown, Strahorn, Perry, Gibbs, Setzer, Domenick.

To amend section 1541.31 of the Revised Code to revise the Pymatuning Lake Compact, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Distel moved that **H. B. No. 157**-Representative Distel, et al., be informally passed and retain its place on the calendar.

The motion was agreed to.

On motion of Representative Kearns, the House adjourned until Thursday, May 19, 2005 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.