

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

THURSDAY, OCTOBER 27, 2005

ONE HUNDRED FIFTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Thursday, October 27, 2005 at 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 Evans, C. was selected to preside under the Rule.

The journal of yesterday was read and approved.

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

Representative DeGeeter submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 259**-Representative Wagner, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: PROHIBIT HARRASSMENT WITH BODILY SUBSTANCE

Representative Latta moved to amend the title as follows:

Add the names: "Perry, Mason, Hughes."

ROBERT E. LATTA	STEPHEN BUEHRER
JOHN R. WILLAMOWSKI	DANNY R. BUBP
JEANINE PERRY	WILLIAM J. HEALY
DAVID R. EVANS	MIKE GILB
JIM HUGHES	WILLIAM J. SEITZ
KENNY YUKO	ANNIE L. KEY
LANCE T. MASON	TYRONE K. YATES
TIMOTHY J. DEGEETER	RONALD HOOD
SALLY CONWAY KILBANE	

The report was agreed to.

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

Representative DeGeeter submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 310**-Representative Oelslager, et al., having had the same under consideration, reports it back and recommends its passage.

RE: VIDEO RECORDING - PROHIBITIONS

Representative Latta moved to amend the title as follows:

Add the names: "Hughes, Evans, D., Seitz, Willamowski, Bulp, Perry."

ROBERT E. LATTA	DAVID R. EVANS
-----------------	----------------

MIKE GILB  
WILLIAM J. SEITZ  
JOHN R. WILLAMOWSKI  
JEANINE PERRY  
KENNY YUKO  
LANCE T. MASON  
TIMOTHY J. DEGEETER  
SALLY CONWAY KILBANE

JIM HUGHES  
STEPHEN BUEHRER  
DANNY R. BUBP  
WILLIAM J. HEALY  
ANNIE L. KEY  
TYRONE K. YATES  
RONALD HOOD

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 House Joint Resolution be considered for the second time and referred to the following committees for consideration:

**H.B. No. 211 - Representative Oelslager, et al**

TO PROHIBIT THE SALE, OFFERING FOR SALE, PURCHASE, AND USE OF ALCOHOL VAPORIZING DEVICES AND TO ALLOW OPENED BOTTLES OF WINE THAT ARE PURCHASED AT RESTAURANTS TO BE TRANSPORTED IN VEHICLES UNDER CERTAIN CONDITIONS.

To the committee on State Government

**H.B. No. 260 - Representative S. Smith, et al**

TO STUDY THE IMPOSITION AND ADMINISTRATION OF CAPITAL PUNISHMENT IN OHIO AND TO MAKE RECOMMENDATIONS FOR IMPROVING OHIO'S PROCEDURES IN CAPITAL CASES AND ITS CAPITAL SENTENCING PROCEDURES.

To the committee on Judiciary

**H.B. No. 306 - Representative Seitz, et al**

TO REVISE THE STATUTES GOVERNING THE TERMINATION OF MANUFACTURERS' FRANCHISE AGREEMENTS WITH WINE DISTRIBUTORS, TO ELIMINATE THE LIQUOR CONTROL COMMISSION'S AUTHORITY TO SET MINIMUM MARK-UPS ON WHOLESALE WINE SALES AND TO FIX MINIMUM PRICES ON WHOLESALE WINE SALES, TO PROHIBIT VOLUME AND QUANTITY DISCOUNTING FOR THE PURPOSE OF ASSISTING THE WHOLESALE OR RETAIL SALE OF BEER OR INTOXICATING LIQUOR, TO ALLOW WINE DISTRIBUTORS AND WINE RETAILERS A MAXIMUM OF THIRTY DAYS OF CREDIT WHEN PURCHASING WINE, AND TO CREATE THE WHOLESALE WINE DISTRIBUTION STUDY COMMITTEE.

To the committee on Finance and Appropriations

**H.B. No. 314 - Representative Brinkman, et al**

TO REMOVE ANY REQUIREMENT UNDER THE PUBLIC EMPLOYEES

COLLECTIVE BARGAINING LAW THAT PUBLIC EMPLOYEES JOIN OR PAY DUES TO ANY EMPLOYEE ORGANIZATION, TO EXPAND THE SCOPE OF UNFAIR LABOR PRACTICES UNDER THAT LAW, TO MAKE OTHER CHANGES IN THE PUBLIC EMPLOYEES COLLECTIVE BARGAINING LAW, TO PROHIBIT ANY REQUIREMENT THAT EMPLOYEES OF PRIVATE EMPLOYERS JOIN OR PAY DUES TO ANY EMPLOYEE ORGANIZATION AND TO REQUIRE PUBLIC AND PRIVATE EMPLOYERS TO POST NOTICES TO THAT EFFECT, TO PROHIBIT CERTAIN ACTIONS BY PRIVATE EMPLOYERS RELATIVE TO EMPLOYEE ORGANIZATION MEMBERSHIP, AND TO ESTABLISH CIVIL AND CRIMINAL PENALTIES AGAINST PRIVATE EMPLOYERS WHO VIOLATE THOSE PROHIBITIONS.

To the committee on Local and Municipal Government and Urban Revitalization

**H.B. No. 347 - Representative Aslanides, et al**

TO REVISE THE LAWS REGARDING LICENSES TO CARRY A CONCEALED HANDGUN AND THE AUTHORITY TO CARRY A CONCEALED HANDGUN UNDER SUCH A LICENSE; TO LIMIT JOURNALIST ACCESS TO INFORMATION REGARDING PERSONS WHO HAVE SUCH A LICENSE AND WHO ASSERT REASONABLE CAUSE TO FEAR A CRIMINAL ATTACK; TO PROVIDE EXEMPTIONS FROM CERTAIN CARRYING OF FIREARMS-RELATED OFFENSES FOR PERSONS IN COMPLIANCE WITH THE OHIO PEACE OFFICER TRAINING COMMISSION'S FIREARMS REQUALIFICATION PROGRAM; TO SPECIFICALLY PROVIDE A SELF-DEFENSE AFFIRMATIVE DEFENSE TO DISCHARGE OF A FIREARM WHILE IN OR ON A VESSEL OR MOTOR VEHICLE-RELATED OFFENSES; TO CLARIFY WHEN A FIREARM IS LOADED FOR PURPOSES OF OFFENSES RELATING TO POSSESSION OF A LOADED FIREARM WHILE IN OR ON A VESSEL OR MOTOR VEHICLE AND CARRYING CONCEALED WEAPONS; TO PROVIDE THAT THE SEALING OR EXPUNGEMENT OF A CONVICTION OR DELINQUENT CHILD RECORD IS AN AFFIRMATIVE DEFENSE TO FALSIFICATION BASED ON THE FAILURE TO REPORT THE RECORD ON AN APPLICATION FOR A CONCEALED HANDGUN LICENSE; AND TO IDENTIFY, AS A GENERAL LAW AND MATTER OF STATEWIDE CONCERN, THE RIGHT OF ANY PERSON, EXCEPT AS PROVIDED IN THE REVISED CODE, TO OWN, POSSESS, PURCHASE, OTHERWISE ACQUIRE, TRANSPORT, CARRY, SELL, OR OTHERWISE TRANSFER A FIREARM, FIREARM COMPONENT, OR AMMUNITION.

To the committee on Criminal Justice

**H.B. No. 348 - Representative Setzer, et al**

TO DESIGNATE JUNE 14 TO JULY 14 AS "AMERICAN FLAG MONTH."

To the committee on State Government

**H.B. No. 349 - Representative J. Stewart**

TO ADOPT THE PAWPAW AS THE STATE FRUIT.

To the committee on State Government

**H.B. No. 396 - Representative Hoops, et al**

TO PROVIDE FOR AN INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED TO HAVE ITS MEDICAID RATE ADJUSTED IN FISCAL YEARS 2006 AND 2007 FOR CERTAIN RENOVATIONS.

To the committee on Finance and Appropriations

**H.J.R. No. 10 - Representative Koziura, Allen, Barrett, Beatty, Bocchieri, Book, Carano, Cassell, DeBose, DeGeeter, Distel, Domenick, Driehaus, Garrison, Hartnett, Harwood, Hood, Mason, Miller, Otterman, S. Patton, Redfern, Skindell, S. Smith, Strahorn, Ujvagi, Wagoner, Williams, Woodard, Fende**

PROPOSING TO AMEND SECTION 19 OF ARTICLE I AND SECTION 3 OF ARTICLE XVIII OF THE CONSTITUTION OF THE STATE OF OHIO TO PROHIBIT THE USE OF EMINENT DOMAIN FOR ECONOMIC DEVELOPMENT PURPOSES WHEN THE SOLE OR A PRIMARY DRIVING FORCE BEHIND THE ACQUISITION OF PRIVATE PROPERTY IS A PRIVATE INDIVIDUAL OR BUSINESS ENTITY THAT SEEKS THE PRIVATE PROPERTY OF ANOTHER FOR ITS OWN ECONOMIC BENEFIT.

To the committee on Civil and Commercial Law

JON A. HUSTED  
CHARLES E. CALVERT  
ANTHONY CORE  
LARRY L. FLOWERS  
JOHN SCHLICHTER  
SHAWN N. WEBSTER  
KENNETH A. CARANO  
WILLIAM J. HEALY  
ROBERT J. OTTERMAN

CHARLES R. BLASDEL  
JIM CARMICHAEL  
KEVIN DEWINE  
TOM RAGA  
GEOFFREY C. SMITH  
JOYCE BEATTY  
TIMOTHY J. DEGEETER  
JOSEPH KOZIURA

Representative Dolan 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 House Joint Resolution 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 House Joint Resolution were considered a second time 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 bills in which the concurrence of the House is requested:

**Sub. S. B. No. 40** - Senators Jordan, Spada, Gardner, Schuler, Schuring, Hagan

To enact section 4734.162 of the Revised Code regarding solicitation of chiropractic business.

**Sub. S. B. No. 117** - Senators Mallory, Dann, Fedor, Jacobson, Miller, Schuler, Amstutz, Zurz, Armbruster, Brady, Clancy, Fingerhut, Goodman, Hagan, Jordan, Mumper, Niehaus, Padgett, Schuring, Wachtmann, Wilson, Harris, Spada, Cates

To amend section 2307.60 of the Revised Code to provide that a final judgment, entered after a trial or upon a plea of guilty in certain criminal actions generally precludes the offender from denying any fact essential to sustain that judgment when entered in evidence in a civil proceeding that is based on the criminal act.

**Sub. S. B. No. 141** - Senators Hottinger, Jacobson, Gardner, Clancy, Dann, Zurz, Goodman, Cates, Coughlin

To amend sections 2152.02, 2152.19, 4510.07, 4510.13, 4510.14, 4510.17, 4510.31, 4511.19, 4511.191, 4511.193, and 4511.195 of the Revised Code to increase the administrative license suspension periods for persons who are arrested for OVI and refuse a request of a law enforcement officer to consent to a chemical test of the person's whole blood, blood serum or plasma, breath, or urine to determine its alcohol content; to increase the period that a person must serve under such an administrative license suspension in certain circumstances before becoming eligible for limited driving privileges; to provide that the suspension period for a judicial post-conviction OVI suspension of a person serving an administrative license suspension must be not less than the greater of the period of time remaining in the administrative license suspension or the minimum applicable judicial post-conviction suspension period specified for the offender; to clarify the circumstances in which a person serving an administrative license suspension for refusal to consent to a chemical test or for having a prohibited concentration of alcohol in the person's system or serving a judicial post-conviction OVI suspension never is eligible for limited driving privileges; to increase from six years to twenty years the "look back" period during which a person's prior convictions or chemical test refusals are considered in determining certain specified sanctions against the person; to clarify and reaffirm that acts that would be

minor misdemeanors if committed by an adult are delinquent acts when committed by a juvenile; and to specify as a presumptive disposition for the offenses of trafficking in marihuana and possession of marihuana when committed by a juvenile either a requirement of confinement in a detention facility for a specified minimum period of time or a requirement of drug assessment, counseling, or treatment plus probation, or both.

**Sub. S. B. No. 171** - Senators Coughlin, Zurz

To amend sections 1901.02 and 2301.02 of the Revised Code to clarify that the former township of Northampton is no longer within the jurisdiction of the Akron Municipal Court and to create one additional judge for the Summit County Court of Common Pleas to be elected in 2006.

**S. B. No. 153** - Senators Wachtmann, Fedor, Gardner, Harris, Spada

To enact section 5533.811 of the Revised Code to designate a bridge on State Route 108 over the Maumee River as the "Henry County Veterans Bridge."

Attest:

David A. Battocletti,  
Clerk.

Said bills were 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. 17** - Senators Jacobson, Coughlin, Dann, Fingerhut, Goodman, Jordan, Miller, Mumper, Prentiss, Schuler, Wachtmann, Padgett, Carey, Clancy, Armbruster, Spada, Niehaus, Fedor, Gardner, Brady, Zurz, Wilson, Harris

To focus on the Darfur genocide, which the United States Department of State has concluded is genocide, occurring in the Darfur region of Sudan, to encourage the United States to continue its support of humanitarian efforts in and contributions of humanitarian aid to the region, to encourage the United States to lead multilateral efforts to bring those responsible for the egregious human rights violations to justice, and to encourage Ohio companies and

institutions, multinational corporations operating in Ohio, and agencies and political subdivisions of the state to divest themselves of interests in any companies that conduct business in Sudan.

Attest:

David A. Battocletti,  
Clerk.

Said concurrent resolution was referred to the committee on Rules and Reference under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has agreed to the report of the Committee of Conference on matters of difference between the two houses on:

**Am. Sub. H. B. No. 122** - Representative Wagoner - et al.

Attest:

David A. Battocletti,  
Clerk.

On motion of Representative Dolan, the House adjourned until Tuesday, November 1, 2005 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.