

OHIO

House

of

Representatives

JOURNAL

TUESDAY, MAY 15, 2007

FORTY-NINTH DAY

Hall of the House of Representatives, Columbus, Ohio
Tuesday, May 15, 2007, 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Vefa Erginbas of the Scioto Educational Foundation in Columbus, Ohio, followed by the Pledge of Allegiance to the Flag.

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

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

The St. John's Jesuit High School hockey team received H. R. No. 55, presented by Representatives Ujvagi-47th district, Wagoner-46th district, Brown-48th district, and Szollosi-49th district.

Gary Langston, Ron Sowder and representatives from the United Parcel Service of America, Inc., guests of Speaker Husted-37th district.

Phillip Lagamba, Alison Boldy, and Holly Shepherd, guests of Representative Boyd-9th district.

Josh Morhead, a guest of Representative Flowers-19th district.

Lauren Gruber, a guest of Representative Schneider-35th district.

Josh Llody and Tamara Welch, guests of Representative Jones-67th district.

John Drew, Brian Smith, Becky Schrader, and representatives from Geauga County Transit, guests of Representatives Chandler-68th district and Dolan-98th district.

Gabby Tan, a guest of Representative Hottinger-71st district.

Ralph Adams and students from Felicity Franklin High School, guests of Representative Bulp-88th district.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 11-Representative Setzer.

Cosponsors: Representatives Collier, Adams, Stebelton, McGregor, J., Yuko, Hughes, Chandler, Domenick, Reinhard.

To amend section 715.70 of the Revised Code to make changes in and relating to the Joint Economic Development District Law, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Setzer moved that **Sub. H. B. No. 11** - Representative Setzer, be rereferred to the committee on Local and Municipal Government

and Urban Revitalization.

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

The motion was agreed to without objection.

Sub. S. B. No. 33-Senator Schuring.

Cosponsors: Senators Gardner, Clancy, Padgett, Mumper, Spada, Schaffer,

Fedor, Cafaro, Miller, D., Morano, Buehrer, Schuler, Wilson, J.

Representatives Flowers, Goodwin, Yuko, Hagan, R., Fende, Brown, Letson,

Otterman, Williams, B., Huffman, Boyd, Wachtmann.

To amend sections 1701.03, 1705.03, 1705.04, 1705.53, 1785.01, 1785.02, 1785.03, 1785.08, 3715.87, 3715.871, 3715.872, 3715.873, 4723.16, 4725.33, 4729.161, 4731.226, 4731.23, 4731.65, 4732.28, 4734.10, 4734.15, 4734.16, 4734.17, 4734.19, 4734.31, 4734.311, 4734.34, 4734.36, 4734.37, 4734.38, 4734.39, 4734.47, 4734.49, 4734.50, 4734.55, 4734.99, 4755.471, 4762.01, 4762.02, 4762.09, 4762.10, 4762.11, 4762.12, and 4762.18 and to enact sections 4734.141, 4734.142, 4734.211, 4734.28, 4734.281, 4734.282, 4734.283, 4734.284, 4734.285, and 4734.286 of the Revised Code regarding the practice of acupuncture by chiropractors, the State Medical Board's use of private attorneys as temporary hearing examiners, and to modify the immunity from liability that applies under the Drug Repository Program, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 89, nays 9, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|-------------|------------|-------------|-------------|
| Adams | Aslanides | Bacon | Barrett |
| Beatty | Blessing | Bolon | Book |
| Boyd | Brown | Budish | Carmichael |
| Celeste | Chandler | Coley | Collier |
| Combs | Core | Daniels | DeBose |
| DeGeeter | DeWine | Distel | Dodd |
| Dolan | Domenick | Driehaus | Dyer |
| Evans | Fende | Flowers | Foley |
| Garrison | Gerberry | Gibbs | Goodwin |
| Goyal | Hagan J. | Hagan R. | Harwood |
| Healy | Hite | Hottinger | Huffman |
| Hughes | Jones | Latta | Letson |
| Lundy | Mallory | Mandel | McGregor J. |
| McGregor R. | Miller | Oelslager | Okey |
| Otterman | Patton | Peterson | Raussen |
| Redfern | Reinhard | Sayre | Schindel |
| Schlichter | Schneider | Seitz | Setzer |
| Stebelton | Stewart D. | Stewart J. | Strahorn |
| Sykes | Szollosi | Uecker | Ujvagi |
| Wachtmann | Wagner | Wagoner | White |
| Widener | Widowfield | Williams B. | Williams S. |
| Wolpert | Yates | Yuko | Zehringer |

Husted-89.

Those who voted in the negative were: Representatives

| | | | |
|------------|-------|----------|------------|
| Batchelder | Brady | Brinkman | Bubp |
| Fessler | Heard | Luckie | Skindell |
| | | | Webster-9. |

The bill passed.

Representative White moved to amend the title as follows:

Add the names: "Book, Chandler, DeBose, DeGeeter, Dodd, Evans, Harwood, Hite, Hughes, Latta, McGregor, J., Oelslager, Patton, Schneider."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

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. 17 -Senator Grendell.

Cosponsors: Senators Harris, Gardner, Schuring, Schaffer, Mason, Carey, Cates, Cafaro, Fedor, Goodman, Jacobson, Mumper, Niehaus, Padgett, Roberts, Sawyer, Faber, Spada, Stivers, Wilson, Bocchieri, Morano, Buehrer.

To amend sections 1547.11, 1547.111, 1547.99, 4503.231, 4503.233, 4507.164, 4510.13, 4510.43, 4511.181, 4511.19, 4511.191, 4511.192, 4511.193, and 4511.203 and to enact sections 1547.112, 4503.235, 4511.198, 4511.199, and 5502.10 of the Revised Code to increase certain penalties for repeat OVI offenders; to authorize a court to issue a vehicle immobilization waiver order in favor of specified family members of an OVI offender; to specify that wrongful entrustment of a motor vehicle is a strict liability offense, remove the requirement that an offender charged with the offense know or have reasonable cause to believe that the person provided a vehicle did not have a right to drive, and provide for that offense an affirmative defense of lack of such knowledge after reasonably diligent inquiry; to require a person with two prior applicable convictions to submit upon request to a chemical test under the vehicle or watercraft Implied Consent Law; to require the consideration of certain prior convictions in determining the length of a refusal suspension under the vehicle Implied Consent Law; to expand the list of offenses that are "equivalent offenses" for certain vehicle or watercraft OVI purposes; to clarify the application of a qualified immunity to persons who

withdraw blood at the request of law enforcement personnel pursuant to the Implied Consent Law; to expand the circumstances when evidence on the concentration of alcohol or drugs of abuse in a bodily substance may be admitted in a watercraft OVI case; to require the Department of Public Safety to establish a state registry of Ohio's habitual OVI/OMWI arrestees and an Internet database, both of which are public records, containing information about persons with five or more Ohio arrests within the preceding twenty years for vehicle OVI or watercraft OMWI; to require law enforcement officers who arrest a person for vehicle OVI or watercraft OMWI to send to the Department of Public Safety a sworn report with specified information about the arrestee, the arrest, and prior similar arrests within the preceding 20 years; and to revise the criteria for certification of ignition interlock devices.

S. B. No. 81 -Senator Stivers.

Cosponsors: Senators Schuler, Smith, Carey, Faber, Clancy, Goodman, Boccieri, Schaffer, Mason, Cafaro, Miller, D., Amstutz, Austria, Buehrer, Fedor, Harris, Padgett, Wilson, Spada.

To enact section 5.2250 of the Revised Code to designate the month of September as "Brain Aneurysm Awareness Month" in Ohio.

S. B. No. 93 -Senator Miller, D.

Cosponsors: Senators Smith, Cafaro, Fedor, Morano, Mason, Miller, R., Gardner, Amstutz, Austria, Boccieri, Buehrer, Carey, Clancy, Coughlin, Faber, Goodman, Grendell, Jacobson, Kearney, Mumper, Niehaus, Padgett, Roberts, Sawyer, Schaffer, Schuler, Schuring, Spada, Stivers, Wilson, Harris, Cates.

To enact section 5.2235 of the Revised Code to designate May as "Nutrition and Physical Fitness Month."

Sub. S. B. No. 108 -Senator Schaffer.

Cosponsors: Senators Stivers, Schuring, Cafaro, Mason, Amstutz, Fedor, Harris, Padgett, Sawyer, Wilson, Grendell, Miller, D.

To amend section 2929.20 of the Revised Code to prohibit a court from granting judicial release to any person serving a prison term for any of a list of specified felony offenses committed while the person held public office.

Attest:

David A. Battocletti,
Clerk.

Said bills were considered the first time.

On motion of Representative DeWine, the House recessed.

The House met pursuant to recess.

Representative Latta 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 Harwood submitted the following report:

The standing committee on Judiciary to which was referred **S. B. No. 16 -** By Initiative, Co Sponsor: Senator Amstutz, having the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SEXUALLY ORIENTED BUSINESSES - REGULATE

MARK D. WAGONER
BILL COLEY
LOUIS W. BLESSING
ROBERT E. LATTA

WILLIAM J. SEITZ
MATTHEW J. DOLAN
KEVIN BACON
WILLIAM G. BATCHELDER

The following members voted "NO"

STEPHEN DYER
SANDRA STABILE HARWOOD
MICHAEL J. SKINDELL
RON GERBERRY

ARMOND BUDISH
MARK D. OKEY
MIKE FOLEY

The report was agreed to.

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

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

H.B. No. 215 - Representative Collier, et al
TO LIST SALVIA DIVINORUM AS A CONTROLLED SUBSTANCE.
To the committee on Criminal Justice

H.B. No. 216 - Representative Collier, et al
TO GRANT PRIORITY FOR STATE CLASSROOM FACILITIES
ASSISTANCE TO SCHOOL DISTRICTS THAT CONSOLIDATE OR
MAKE JOINT USE OF THEIR FACILITIES.
To the committee on Finance and Appropriations

H.B. No. 217 - Representative Reinhard, et al
TO ESTABLISH A GRAIN MARKETING PROGRAM.

To the committee on Agriculture and Natural Resources

H.B. No. 218 - Representative Chandler

TO PROVIDE THAT AN INMATE WHO PLEADED GUILTY OR NO CONTEST TO A FELONY, WAS SENTENCED TO A PRISON TERM OR DEATH, AND IS ELIGIBLE TO APPLY FOR POSTCONVICTION DNA TESTING MAY APPLY FOR SUCH DNA TESTING UNDER THE SAME PROCEDURES AS THE APPLICATION FOR POSTCONVICTION DNA TESTING OF AN ELIGIBLE INMATE WHO WAS CONVICTED OF A FELONY OFFENSE AND SENTENCED TO A PRISON TERM OR DEATH.

To the committee on Criminal Justice

H.B. No. 219 - Representative Patton, et al

TO CREATE A TESTIMONIAL PRIVILEGE FOR COMMUNICATIONS BETWEEN A REPRESENTATIVE OF AN EMPLOYEE ORGANIZATION AND A BARGAINING UNIT MEMBER.

To the committee on Commerce and Labor

Sub. S.B. No. 39 - Senator Schuler, et al

TO CREATE CIVIL AIR PATROL LICENSE PLATES AND TO DIRECT THAT THE OHIO PET FUND RECEIVE CONTRIBUTIONS FROM THE PETS LICENSE PLATES.

To the committee on Infrastructure, Homeland Security and Veterans Affairs

Am. Sub. S.B. No. 126 - Senator Stivers, et al

TO REQUIRE THE AUDITOR OF STATE TO PERFORM RECOVERY AUDITS FOR OVERPAYMENTS MADE TO VENDORS BY CERTAIN STATE AGENCIES AND TO PERMIT THE AUDITOR TO CONTRACT WITH INDEPENDENT AUDIT CONSULTANTS TO CONDUCT THOSE AUDITS.

To the committee on Finance and Appropriations

S.B. No. 9 - Senator Clancy, et al

TO PERMIT A PROSECUTION FOR A FELONY SEX OFFENSE OR KIDNAPPING OFFENSE INVOLVING A VICTIM UNDER 13 YEARS OF AGE TO BE COMMENCED AT ANY TIME AFTER THE COMMISSION OF THE OFFENSE AND TO REQUIRE THE DIVISION OF CRIMINAL JUSTICE SERVICES IN THE DEPARTMENT OF PUBLIC SAFETY TO APPLY TO THE UNITED STATES ATTORNEY GENERAL FOR A "JESSICA LUNSFORD AND SARAH LUNDE GRANT."

To the committee on Criminal Justice

Sub. S.B. No. 102 - Senator Schuler, et al

TO AUTHORIZE THE F-8 LIQUOR PERMIT TO BE ISSUED TO CERTAIN NONPROFIT ORGANIZATIONS TO ALLOW THE SALE OF BEER AND INTOXICATING LIQUOR AT SPECIFIC EVENTS THAT OCCUR ON PUBLIC SPACE THAT THE ORGANIZATION MANAGES.

To the committee on State Government and Elections

Sub. S.B. No. 117 - Senator Jacobson, et al

TO PROVIDE FOR THE ISSUANCE OF VIDEO SERVICE
AUTHORIZATIONS BY THE DIRECTOR OF COMMERCE.

To the committee on Public Utilities

Sub. S.B. No. 17 - Senator Grendell, et al

TO INCREASE CERTAIN PENALTIES FOR REPEAT OVI OFFENDERS;
TO AUTHORIZE A COURT TO ISSUE A VEHICLE IMMOBILIZATION
WAIVER ORDER IN FAVOR OF SPECIFIED FAMILY MEMBERS OF
AN OVI OFFENDER; TO SPECIFY THAT WRONGFUL ENTRUSTMENT
OF A MOTOR VEHICLE IS A STRICT LIABILITY OFFENSE, REMOVE
THE REQUIREMENT THAT AN OFFENDER CHARGED WITH THE
OFFENSE KNOW OR HAVE REASONABLE CAUSE TO BELIEVE
THAT THE PERSON PROVIDED A VEHICLE DID NOT HAVE A RIGHT
TO DRIVE, AND PROVIDE FOR THAT OFFENSE AN AFFIRMATIVE
DEFENSE OF LACK OF SUCH KNOWLEDGE AFTER REASONABLY
DILIGENT INQUIRY; TO REQUIRE A PERSON WITH TWO PRIOR
APPLICABLE CONVICTIONS TO SUBMIT UPON REQUEST TO A
CHEMICAL TEST UNDER THE VEHICLE OR WATERCRAFT IMPLIED
CONSENT LAW; TO REQUIRE THE CONSIDERATION OF CERTAIN
PRIOR CONVICTIONS IN DETERMINING THE LENGTH OF A
REFUSAL SUSPENSION UNDER THE VEHICLE IMPLIED CONSENT
LAW; TO EXPAND THE LIST OF OFFENSES THAT ARE
"EQUIVALENT OFFENSES" FOR CERTAIN VEHICLE OR
WATERCRAFT OVI PURPOSES; TO CLARIFY THE APPLICATION OF
A QUALIFIED IMMUNITY TO PERSONS WHO WITHDRAW BLOOD
AT THE REQUEST OF LAW ENFORCEMENT PERSONNEL PURSUANT
TO THE IMPLIED CONSENT LAW; TO EXPAND THE
CIRCUMSTANCES WHEN EVIDENCE ON THE CONCENTRATION OF
ALCOHOL OR DRUGS OF ABUSE IN A BODILY SUBSTANCE MAY
BE ADMITTED IN A WATERCRAFT OVI CASE; TO REQUIRE THE
DEPARTMENT OF PUBLIC SAFETY TO ESTABLISH A STATE
REGISTRY OF OHIO'S HABITUAL OVI/OMWI ARRESTEES AND AN
INTERNET DATABASE, BOTH OF WHICH ARE PUBLIC RECORDS,
CONTAINING INFORMATION ABOUT PERSONS WITH FIVE OR
MORE OHIO ARRESTS WITHIN THE PRECEDING TWENTY YEARS
FOR VEHICLE OVI OR WATERCRAFT OMWI; TO REQUIRE LAW
ENFORCEMENT OFFICERS WHO ARREST A PERSON FOR VEHICLE
OVI OR WATERCRAFT OMWI TO SEND TO THE DEPARTMENT OF
PUBLIC SAFETY A SWORN REPORT WITH SPECIFIED
INFORMATION ABOUT THE ARRESTEE, THE ARREST, AND PRIOR
SIMILAR ARRESTS WITHIN THE PRECEDING 20 YEARS; AND TO
REVISE THE CRITERIA FOR CERTIFICATION OF IGNITION
INTERLOCK DEVICES.

To the committee on Criminal Justice

S.B. No. 81 - Senator Stivers, et al

TO DESIGNATE THE MONTH OF SEPTEMBER AS "BRAIN

ANEURYSM AWARENESS MONTH" IN OHIO.

To the committee on State Government and Elections

S.B. No. 93 - Senator D. Miller, et al

TO DESIGNATE MAY AS "NUTRITION AND PHYSICAL FITNESS MONTH."

To the committee on State Government and Elections

Sub. S.B. No. 108 - Senator Schaffer, et al

TO PROHIBIT A COURT FROM GRANTING JUDICIAL RELEASE TO ANY PERSON SERVING A PRISON TERM FOR ANY OF A LIST OF SPECIFIED FELONY OFFENSES COMMITTED WHILE THE PERSON HELD PUBLIC OFFICE.

To the committee on Criminal Justice

JON A. HUSTED
LARRY L. FLOWERS
JOYCE BEATTY

KEVIN DEWINE
ARLENE J. SETZER
CHRIS REDFERN

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

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

H.R. No. 57 – Representative Letson

HONORING WARREN G. HARDING HIGH SCHOOL DELPHI E.L.I.T.E. TEAM 48 AS THE 2007 FIRST BUCKEYE REGIONAL ROBOTICS CHAMPION.

/s/ JON A. HUSTED
Jon A. Husted, Chair

Representative Latta 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.

Message from the Speaker

The Speaker of the House of Representatives, on May 10, 2007, signed the following:

Sub. H. B. No. 2 - Representative Webster - et al.

On motion of Representative Latta, the House adjourned until Wednesday, May 16, 2007, 1:30 p.m.

Attest:

LAURA P. CLEMENS,
Clerk.