

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

**CORRECTED VERSION**  
**TUESDAY, JANUARY 7, 2003**

## SECOND DAY

Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, January 7, 2003 at 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Reverend Richard Burnett of the Rector of Trinity Episcopal Church in Columbus, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

**MOTIONS AND RESOLUTIONS**

Representative Cates moved that **H. R. No. 8** be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

**H. R. No. 8**-Representative Cates.

Relative to committee arrangements.

BE IT RESOLVED, By the members of the House of Representatives of the 125th General Assembly, that the speaker shall appoint a committee of five members with the authority to make assignments of committee rooms and to determine the holding of committee hearings.

The yeas and nays were taken and resulted - yeas 96, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Book	Brinkman	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DePiero	DeWine	Distel
Domenick	Driehaus	C. Evans	Faber
Fessler	Flowers	Gibbs	Gilb
Grendell	Hagan	Hartnett	Harwood
Hollister	Hoops	Hughes	Husted
Jerse	Jolivette	Kearns	Key
Kilbane	Koziura	Latta	Manning
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	S. Patton
T. Patton	Perry	Peterson	Price
Raga	Rausen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Seaver	Seitz	Setzer	Sferra
Skindell	G. Smith	S. Smith	D. Stewart
J. Stewart	Strahorn	Sykes	Taylor

Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Williamowski	Williams	Wilson	Wolpert
Woodard	Yates	Young	Householder-96.

The resolution was adopted.

Representative Cates moved that **H. R. No. 9** be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

**H. R. No. 9**-Representative Cates.

Relative to attendance at conferences and meetings.

WHEREAS, During the 125th General Assembly (2003-2004), important conferences and meetings of national or statewide interest may be called, especially of interest to the House of Representatives; therefore be it

RESOLVED, By the members of the House of Representatives of the 125th General Assembly, that, if in the judgment of the speaker, any conferences or meetings, either national or state, are deemed to be of sufficient importance to warrant attendance of members or officers of the House, the speaker shall designate members of officers to attend; and be it further

RESOLVED, That all expenses incurred incident thereto of any member or officer so designated by the speaker shall be paid out of appropriate funds of the House.

The yeas and nays were taken and resulted - yeas 96, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Book	Brinkman	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DePiero	DeWine	Distel
Domenick	Driehaus	C. Evans	Faber
Fessler	Flowers	Gibbs	Gilb
Grendell	Hagan	Hartnett	Harwood
Hollister	Hoops	Hughes	Husted
Jerse	Jolivette	Kearns	Key
Kilbane	Koziura	Latta	Manning
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	S. Patton
T. Patton	Perry	Peterson	Price
Raga	Rausen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Seaver	Seitz	Setzer	Sferra
Skindell	G. Smith	S. Smith	D. Stewart

J. Stewart	Strahorn	Sykes	Taylor
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Williams	Wilson	Wolpert
Woodard	Yates	Young	Householder-96.

The resolution was adopted.

Representative Cates moved that **H. R. No. 10** be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

**H. R. No. 10**-Representative Cates.

Relative to the purchase of copies of the Revised Code.

BE IT RESOLVED, By the members of the House of Representatives of the 125th General Assembly, that the speaker shall appoint a committee of three members which shall report its recommendations to the House relative to the purchase of copies of the Revised Code of Ohio.

The yeas and nays were taken and resulted - yeas 96, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Book	Brinkman	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DePiero	DeWine	Distel
Domenick	Driehaus	C. Evans	Faber
Fessler	Flowers	Gibbs	Gilb
Grendell	Hagan	Hartnett	Harwood
Hollister	Hoops	Hughes	Husted
Jerse	Jolivet	Kearns	Key
Kilbane	Koziura	Latta	Manning
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	S. Patton
T. Patton	Perry	Peterson	Price
Raga	Rausen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Seaver	Seitz	Setzer	Sferra
Skindell	G. Smith	S. Smith	D. Stewart
J. Stewart	Strahorn	Sykes	Taylor
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Williams	Wilson	Wolpert
Woodard	Yates	Young	Householder-96.

The resolution was adopted.

Representative Cates moved that **H. R. No. 11** be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

**H. R. No. 11**-Representative Cates.

Relative to mileage of members and employees of the House of Representatives.

BE IT RESOLVED, By the members of the House of Representatives of the 125th General Assembly, that the speaker shall appoint a committee of three members to determine the mileage of the members and employees of the House of Representatives, and this committee shall report its findings and recommendations to the House.

The yeas and nays were taken and resulted - yeas 96, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Book	Brinkman	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DePiero	DeWine	Distel
Domenick	Driehaus	C. Evans	Faber
Fessler	Flowers	Gibbs	Gilb
Grendell	Hagan	Hartnett	Harwood
Hollister	Hoops	Hughes	Husted
Jerse	Jolivette	Kearns	Key
Kilbane	Koziura	Latta	Manning
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	S. Patton
T. Patton	Perry	Peterson	Price
Raga	Raussen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Seaver	Seitz	Setzer	Sferra
Skindell	G. Smith	S. Smith	D. Stewart
J. Stewart	Strahorn	Sykes	Taylor
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Williamowski	Williams	Wilson	Wolpert
Woodard	Yates	Young	Householder-96.

The resolution was adopted.

Representative Cates moved that **H. R. No. 12** be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

**H. R. No. 12**-Representative Cates.

Relative to certain letters to be signed by the speaker of the House on behalf of the House and sent to persons or groups in lieu of any resolutions on the subject.

BE IT RESOLVED, By the members of the House of Representatives of the 125th General Assembly, that upon the request of any member, the speaker of the House of Representatives may, at the Speaker's discretion, sign letters of commendation, congratulations, or condolence to persons or organizations named in the request on behalf of the House and in its name, and arrange for transmittal therefore to such persons or organizations as may be designated in the request.

The yeas and nays were taken and resulted - yeas 96, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Book	Brinkman	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DePiero	DeWine	Distel
Domenick	Driehaus	C. Evans	Faber
Fessler	Flowers	Gibbs	Gilb
Grendell	Hagan	Hartnett	Harwood
Hollister	Hoops	Hughes	Husted
Jerse	Jolivette	Kearns	Key
Kilbane	Koziura	Latta	Manning
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	S. Patton
T. Patton	Perry	Peterson	Price
Raga	Rausen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Seaver	Seitz	Setzer	Sferra
Skindell	G. Smith	S. Smith	D. Stewart
J. Stewart	Strahorn	Sykes	Taylor
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Williams	Wilson	Wolpert
Woodard	Yates	Young	Householder-96.

The resolution was adopted.

Representative Cates moved that **H. R. No. 13** be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

**H. R. No. 13**-Representative Cates.

Relative to the appointment and salaries of the officials and employees of

the House of Representatives.

BE IT RESOLVED, That in addition to those officers previously elected by resolution of the House, the speaker is hereby authorized to appoint such additional staff as may be required for the purpose of facilitating the work of the House of Representatives and to fill any vacancies in positions as officers or employees.

BE IT FURTHER RESOLVED, That the officers and employees of the House of Representatives be compensated as determined by the chief administrative officer, with the approval of the speaker; and be it further

RESOLVED, That pay increases shall be made only upon recommendation of the chief administrative officer or clerk, with approval of the speaker; and be it further

RESOLVED, That the chief administrative officer and the clerk shall each have the direct supervision and management of those officers and employees who by reason of their duties fall within the specific area of responsibility of the chief administrative officer and the clerk. Pursuant to the approval of the speaker, the chief administrative officer and the clerk may discharge any officer or employee under their respective supervision if the officer or employee is not satisfactorily performing his duties; and be it further

RESOLVED, That this resolution shall govern all actions taken by the 125th General Assembly and that all of the foregoing salaries be paid from the appropriate funds of the House of Representatives.

The yeas and nays were taken and resulted - yeas 96, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Book	Brinkman	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DePiero	DeWine	Distel
Domenick	Driehaus	C. Evans	Faber
Fessler	Flowers	Gibbs	Gilb
Grendell	Hagan	Hartnett	Harwood
Hollister	Hoops	Hughes	Husted
Jerse	Jolivette	Kearns	Key
Kilbane	Koziura	Latta	Manning
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	S. Patton
T. Patton	Perry	Peterson	Price
Raga	Rausen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Seaver	Seitz	Setzer	Sferra
Skindell	G. Smith	S. Smith	D. Stewart
J. Stewart	Strahorn	Sykes	Taylor
Trakas	Ujvagi	Wagner	Walcher

Webster	White	Widener	Widowfield
Willamowski	Williams	Wilson	Wolpert
Woodard	Yates	Young	Householder-96.

The resolution was adopted.

Representative Trakas moved that majority party members asking leave to be absent or absent the week of Monday, January 6, 2003, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Miller moved that minority party members asking leave to be absent or absent the week of Monday, January 6, 2003, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

#### MESSAGE FROM THE SPEAKER

Pursuant to Section 4104.33, Sub. H.B. No. 344, 124th General Assembly, the Speaker hereby appoints public members Brian R. Oeder and John McDowell to the Historical Boilers Licensing Board.

#### MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 2108.17(A)(1), Am. Sub. H.B. No. 407, 124th General Assembly, the Speaker hereby appoints Representative Jolivette to the Second Chance Trust Fund Advisory Committee.

#### MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code sections 4981.36 and 4981.361, Article III, S.B. No. 212, 124th General Assembly, the Speaker hereby appoints Representative Perry to the Midwest Interstate Passenger Rail Compact.

#### MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 179.02(A), the Speaker hereby appoints public member Carol Bowshier to the Ohio Commission on Dispute Resolution and Conflict Management.

#### MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 183.40(A) and section 13(A), the Speaker hereby appoints Representative Peterson and Representative Allen to the Tobacco Use Prevention and Control Foundation.

#### MESSAGE FROM THE SPEAKER



Pursuant to Ohio Revised Code section 183.40(A) and section 13(A), the Speaker hereby appoints public member Dr. Alan Letson to the Tobacco Use Prevention and Control Foundation.

MESSAGE FROM THE SPEAKER

Pursuant to House Resolution No. 8, the Speaker hereby appoints the following members to the committee relative to committee arrangements:

Representatives Cates (chair), Schlichter, Flowers, Price, Wilson

MESSAGE FROM THE SPEAKER

Pursuant to House Resolution No. 10, the Speaker hereby appoints the following members to the committee relative to the purchase copies of the Revised Code:

Representatives Latta (chair), Manning, Book

MESSAGE FROM THE SPEAKER

Pursuant to House Resolution No. 11, the Speaker hereby appoints the following members to the committee relative to mileage of members and employees of the House of Representatives:

Representatives Clancy (chair), J. Stewart, Sykes

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. 1** - Senator Randy Gardner.

Relative to convening in Joint Convention.

Attest:

MATTHEW T. SCHULER,  
Clerk.

Representative Cates moved that **S. C. R. No. 1** be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

**S. C. R. No. 1**-Senator Randy Gardner.

Relative to convening in Joint Convention.

Resolved, That the two houses of the General Assembly convene in joint convention on January 7, 2003, at 2:00 o'clock p.m., pursuant to Section 3 of Article III of the Constitution of the State of Ohio and section 3505.34 of the Ohio Revised Code, to witness the opening, announcing, and canvassing of the abstracts of the votes cast for the offices of governor and lieutenant governor, secretary of state, auditor of state, treasurer of state, and attorney general at the general election held on the first Tuesday after the first Monday in November, 2002.

The resolution was adopted.

Pursuant to the motion of Representative Cates the following oaths of office were entered upon the journal.

State of Ohio  
County of Mahoning

I, Thomas F. Patton, do solemnly swear to support the Constitution of the United States and the Constitution of the State of Ohio, and faithfully to discharge and perform all duties incumbent upon me as a member of The Ohio House of Representatives, according to the best of my ability and understanding; and this I do as I shall answer unto God.

/S/ THOMAS F. PATTON  
THOMAS F. PATTON

Sworn to and subscribed before me of this 27th day of December, 2002

/S/ JOHN M. DURKIN  
JOHN M. DURKIN  
Common Pleas Judge.

State of Ohio  
County of Franklin

I, Ron Young, do solemnly swear to support the Constitution of the United States and the Constitution of the State of Ohio, and faithfully to discharge and perform all duties incumbent upon me as a member of The Ohio House of Representatives, according to the best of my ability and understanding; and

this I do as I shall answer unto God.

/S/ RON YOUNG  
RON YOUNG

Sworn to and subscribed before me of this 7th day of January, 2003

/S/ LARRY HOUSEHOLDER  
LARRY HOUSEHOLDER  
Speaker  
Ohio House of Representatives

I, James S. Aslanides, do solemnly swear to support the Constitution of the United States and the Constitution of the State of Ohio, and faithfully to discharge the duties of the office of State Representative, 94th House District.

/S/ JAMES S. ASLANIDES  
JAMES S. ASLANIDES  
State of Ohio  
Coshocton County

Sworn to before me and subscribed in my presence this 30th day of December, 2002.

/S/ RICHARD I. EVANS  
RICHARD I. EVANS  
Judge

The hour having arrived for the meeting of the two houses, the members of the Senate preceded by the president, clerk and sergeant-at-arms thereof, appeared within the bar of the House.

The President of the Senate called the joint convention to order.

Representative Cates and Senator Randy Gardner announced a quorum of each house, respectively, was present.

The President of the Senate, in presence of the two houses, then proceeded to open and announce the returns of the votes cast at the election held in the State of Ohio on the first Tuesday after the first Monday in November, 2002 for the offices of governor and lieutenant governor, secretary of state, treasurer of state, attorney general, and auditor of state.

January 7, 2003

The Honorable J. Kenneth Blackwell

Secretary of State  
30 East Broad Street  
Columbus, Ohio 43215

Dear Secretary Blackwell:

Pursuant to Section 3505.34 of the Revised Code, the President of the Senate in the presence of a majority of both houses of the General Assembly has canvassed the abstracts of the votes cast for the offices of governor and lieutenant governor, secretary of state, auditor of state, treasurer of state, and attorney general as contained in Form No. 2 sent to him from each county and declares the following candidates elected for those offices:

Governor and Lt. Governor:

Eastman and Stewart	126,686 votes
Hagan and Tavares	1,236,924 votes
Taft and Bradley	1,865,007 votes

Attorney General:

Leigh Herington	1,123,318 votes
Jim Petro	2,007,411 votes

Auditor of State:

Helen Smith	1,114,957 votes
Betty D. Montgomery	2,010,022 votes

Secretary of State:

Bryan Flannery	1,256,428 votes
J. Kenneth Blackwell	1,827,995 votes

Treasurer of State:

Mary Boyle	1,459,113 votes
Joseph T. Deters	1,666,844 votes

Sincerely,

Doug White, President  
Ohio Senate

Larry Householder, Speaker  
Ohio House of Representatives

On a motion of Senator Randy Gardner the joint convention was dissolved.

On motion of Representative Cates, the House adjourned until Monday, January 13, 2003 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.