

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

WEDNESDAY, JANUARY 7, 2004

ONE HUNDRED THIRTY-THIRD DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, January 7, 2004 at 1:30 o'clock p.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Jerome Hurst of the Hilltop Seventh Day Adventist Church in Columbus, 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 Householder prior to the commencement of business:

The Toledo Police Department Mounted Patrol received HR 149, presented by Representative Perry-49th district.

The Centerburg High School girls volleyball team received HR 173, presented by Representative Collier-90th district.

Chris Colburn, a guest of Representative Schlichter-85th district.

Loretta Jolivette, wife, Representative Jolivette-54th district.

#### INTRODUCTION OF BILLS

The following bills were introduced:

**H. B. No. 366**-Representative D. Evans.

To amend sections 2301.02 and 2301.03 of the Revised Code to add a judge to the Domestic Relations Division of the Licking County Court of Common Pleas and to declare an emergency.

**H. B. No. 367**-Representatives Distel, Redfern, Hartnett, Collier, Otterman, Kearns, Sferra, Key, Carano, Strahorn, Harwood, Raussen.

To amend section 1545.05 of the Revised Code to permit any metropolitan park district to expand its board of park commissioners permanently from a three-member to a five-member board.

**H. B. No. 368**-Representatives Gibbs, Aslanides, Allen, Collier, McGregor, Faber, Taylor.

To amend sections 1901.184, 1907.032, 1923.01, 3701.83, 3709.085, 3709.09, 3733.01, 3733.02, 3733.021, 3733.023, 3733.03, 3733.031, 3733.04, 3733.05, 3733.06, 3733.07, 3733.081, 4503.06, 5321.01, and 6111.46; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 3733.023 (3729.04), 3733.081 (3729.12), and 3733.082

(3729.13); and to enact sections 3729.01, 3729.02, 3729.03, 3729.05, 3729.06, 3729.07, 3729.08, 3729.09, 3729.10, 3729.11, and 3729.99 of the Revised Code to create separate regulatory programs for mobile home parks and recreational vehicle parks, recreation camps, combined park-camps, and temporary park-camps.

Said bills were considered the first time.

### REPORTS OF CONFERENCE COMMITTEES

Representative Cates moved that Joint Rule No. 20, pertaining to reports of Conference Committee, be suspended and that the Conference Committee report on **Am. Sub. H. B. No. 12**-Representative Aslanides, et al. be taken up for immediate consideration.

The motion was agreed to without objection.

The Committee of Conference to which the matters of difference between the two houses were referred on Am. Sub. H.B. 12 of the 125th General Assembly, Representative Aslanides - et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the Senate with the following amendments:

In line 30, after "2913.02," insert "2913.04,"

In line 34, after "2923.1212," insert "2923.1213,"

In line 43, after "state" insert "for that license"

In line 49, after "(2)" insert "A reciprocity agreement entered into under division (A)(1) of this section also may provide for the recognition in this state of a license to carry a concealed handgun issued on a temporary or emergency basis by the other license-issuing state, if the eligibility requirements imposed by that license-issuing state for the temporary or emergency license are substantially comparable to the eligibility requirements for a license or temporary emergency license to carry a concealed handgun issued under section 2923.125 or 2923.1213 of the Revised Code and if that license-issuing state recognizes a temporary emergency license to carry a concealed handgun issued under section 2923.1213 of the Revised Code.

(3)"

In line 52, delete "division" and insert "divisions"; after "(1)" insert "and (2)"

In line 93, after "handgun" insert "and each temporary emergency license or replacement temporary emergency license to carry a concealed handgun"; after "2923.125" insert "or 2923.1213"

In line 95, after "license" insert "or temporary emergency license"

In line 96, after "license" insert "and each temporary emergency license"

In line 97, delete the underlined period and insert an underlined semicolon

Between lines 97 and 98, insert:

"(5) A form for the temporary emergency license to carry a concealed handgun that is to be issued by sheriffs to persons who qualify for a temporary emergency license under section 2923.1213 of the Revised Code, which form shall conform to all the requirements set forth in divisions (A)(2)(a) to (d) of this section and shall additionally conspicuously specify that the license is a temporary emergency license and the date of its issuance."

In line 153, after "licenses" insert ", and with respect to the issuance, suspension, revocation, and denial of temporary emergency licenses to carry a concealed handgun,"

In line 158, delete "those"; after "licenses" insert "to carry a concealed handgun"

In line 159, delete "and" and insert an underlined comma

In line 162, after "year" insert ", and the number of temporary emergency licenses to carry a concealed handgun that were issued, suspended, revoked, or denied in the previous calendar year"

In line 185, delete "or" and insert an underlined comma

In line 186, after the underlined comma insert "or an application for a temporary emergency license to carry a concealed handgun under section 2923.1213 of the Revised Code,"

In lines 243, 262, and 275, delete "or" and insert an underlined comma

In lines 244, 263, and 276, after "handgun" insert ", or the affidavit submitted regarding an application for a temporary emergency license to carry a concealed handgun"

In line 288, after "Code" insert "and all fees paid by the person seeking a temporary emergency license to carry a concealed handgun under section 2923.1213 of the Revised Code"

In line 297, delete "concealed handgun"; after "licenses" insert "or temporary emergency licenses to carry a concealed handgun under section 2923.125 or 2923.1213 of the Revised Code"

In line 320, after "section" insert "that involves a firearm other than a handgun. It is an affirmative defense to a charge under division (C) or (D) of this section of transporting or having a firearm of any type, including a handgun, in a vessel that the actor transported or had the firearm in the vessel for any lawful purpose and while the vessel was on the actor's own property, provided that this affirmative defense is not available unless the actor, prior to arriving at the vessel"

on the actor's own property, did not transport or possess the firearm in the vessel or in a motor vehicle in a manner prohibited by this section or division (B) or (C) of section 2923.16 of the Revised Code while the vessel was being operated on a waterway that was not on the actor's own property or while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic"

In lines 322 and 345, after "license" insert "or temporary emergency license"

In lines 323 and 346, after "2923.125" insert "or 2923.1213"

Between lines 351 and 352, insert:

"(I) If a law enforcement officer stops a vessel for a violation of this section or any other law enforcement purpose, if any person on the vessel surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop."

Between lines 438 and 439, insert:

**"Sec. 2913.04.** (A) No person shall knowingly use or operate the property of another without the consent of the owner or person authorized to give consent.

(B) No person shall knowingly gain access to, attempt to gain access to, or cause access to be gained to any computer, computer system, computer network, cable service, cable system, telecommunications device, telecommunications service, or information service without the consent of, or beyond the scope of the express or implied consent of, the owner of the computer, computer system, computer network, cable service, cable system, telecommunications device, telecommunications service, or information service or other person authorized to give consent by the owner.

(C) No person shall knowingly gain access to, attempt to gain access to, cause access to be granted to, or disseminate information gained from access to the law enforcement automated database system created pursuant to section 5503.10 of the Revised Code without the consent of, or beyond the scope of the express or implied consent of, the chair of the law enforcement automated data system steering committee.

(D) The affirmative defenses contained in division (C) of section 2913.03 of the Revised Code are affirmative defenses to a charge under this section.

~~(D)~~(E)(1) Whoever violates division (A) of this section is guilty of unauthorized use of property.

(2) Except as otherwise provided in division ~~(D)~~(E)(3) or (4) of this section, unauthorized use of property is a misdemeanor of the fourth degree.

(3) Except as otherwise provided in division ~~(D)~~(E)(4) of this section, if unauthorized use of property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services, unauthorized use of property is whichever of the following is applicable:

(a) Except as otherwise provided in division ~~(D)~~(E)(3)(b), (c), or (d) of this section, a misdemeanor of the first degree.

(b) If the value of the property or services or the loss to the victim is five hundred dollars or more and is less than five thousand dollars, a felony of the fifth degree.

(c) If the value of the property or services or the loss to the victim is five thousand dollars or more and is less than one hundred thousand dollars, a felony of the fourth degree.

(d) If the value of the property or services or the loss to the victim is one hundred thousand dollars or more, a felony of the third degree.

(4) If the victim of the offense is an elderly person or disabled adult, unauthorized use of property is whichever of the following is applicable:

(a) Except as otherwise provided in division ~~(D)~~(E)(4)(b), (c), (d), or (e) of this section, a felony of the fifth degree;

(b) If the value of the property or services or loss to the victim is five hundred dollars or more and is less than five thousand dollars, a felony of the fourth degree;

(c) If the value of the property or services or loss to the victim is five thousand dollars or more and is less than twenty-five thousand dollars, a felony of the third degree;

(d) If the value of the property or services or loss to the victim is twenty-five thousand dollars or more, a felony of the second degree.

~~(E)~~(F) Whoever violates division (B) of this section is guilty of unauthorized use of computer, cable, or telecommunication property, a felony of the fifth degree.

~~(F)~~(G) Whoever violates division (C) of this section is guilty of unauthorized use of the law enforcement automated database system, a felony of the fifth degree.

(H) As used in this section:

(1) "Cable operator" means any person or group of persons that does either of the following:

(a) Provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in that cable system;

(b) Otherwise controls or is responsible for, through any arrangement, the management and operation of a cable system.

(2) "Cable service" means any of the following:

(a) The one-way transmission to subscribers of video programming or of information that a cable operator makes available to all subscribers generally;

(b) Subscriber interaction, if any, that is required for the selection or use of video programming or of information that a cable operator makes available to all subscribers generally, both as described in division ~~(F)~~(H)(2)(a) of this section;

(c) Any cable television service.

(3) "Cable system" means any facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service that includes video programming and that is provided to multiple subscribers within a community. "Cable system" does not include any of the following:

(a) Any facility that serves only to retransmit the television signals of one or more television broadcast stations;

(b) Any facility that serves subscribers without using any public right-of-way;

(c) Any facility of a common carrier that, under 47 U.S.C.A. 522(7)(c), is excluded from the term "cable system" as defined in 47 U.S.C.A. 522(7);

(d) Any open video system that complies with 47 U.S.C.A. 573;

(e) Any facility of any electric utility used solely for operating its electric utility system."

In line 490, after "handgun" insert "or is made in an affidavit submitted to a county sheriff to obtain a temporary emergency license to carry a concealed handgun under section 2923.1213 of the Revised Code"

In lines 670, 692, 755, 870, and 921, after "license" insert "or temporary emergency license"

In lines 671, 693, 756, 871, and 922, after "2923.125" insert "or 2923.1213"

In line 678, after "license" insert "or temporary emergency license"

In line 700, after "(A)" insert "(1)"

In line 701, after "weapon" insert "other than a handgun and"

In line 723, delete all after "(E)"

Delete lines 724 through 753 and insert "It is an affirmative defense to a charge under division (A) of this section of carrying or having control of a handgun other than a dangerous ordnance that the actor was not otherwise prohibited by law from having the handgun and that the handgun was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's

own home, provided that this affirmative defense is not available unless the actor, prior to arriving at the actor's own home, did not transport or possess the handgun in a motor vehicle in a manner prohibited by division (B) or (C) of section 2923.16 of the Revised Code while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic."

In line 778, after "license" insert "or temporary emergency license to carry a concealed handgun"

In line 779, after "2923.125" insert "or 2923.1213"

In line 786, delete "either type" and insert "any of those types"

In line 793, after "license" insert "or temporary emergency license"; after "handgun" insert "issued"; after "2923.125" insert "or 2923.1213"

In line 808, after "Code" insert "and that was similar in nature to a license issued under section 2923.125 of the Revised Code"

In line 812, delete "either" and insert "any"

In line 813, delete "(b)" and insert "(a)"

Between lines 824 and 825, insert:

"(H) If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop."

In line 854, after "premises" insert "that involves the possession of a firearm other than a handgun"

In line 1073, after "license" insert "or temporary emergency license"

In line 1074, after "2923.125" insert "or 2923.1213"

In lines 1121, 1778, and 3008, delete "2923.1212" and insert "2923.1213"

In line 1133, after "Code" insert "and, except when the context clearly indicates otherwise, includes a person to whom a temporary emergency license to carry a concealed handgun has been issued under section 2923.1213 of the Revised Code"

In line 1143, after the second "license" insert "or temporary emergency license"

In line 1144, after "2923.125" insert "or 2923.1213"

In lines 1146 and 1148, after "2923.128" insert "or under section"



2923.1213"

In line 1292, after "shall" insert "make available through the law enforcement automated data system in accordance with division (H) of this section the information described in that division and, upon making the information available through the system, shall"

In line 1390, after "2923.128" insert "or 2923.1213"

In line 1395, after "filed" insert "under this section"

In line 1418, after "handgun" insert "issued under this section"

In line 1523, delete the first "issuing" and insert "deciding to issue"; delete the second "issuing" and insert "deciding to issue"

In line 1524, delete "renewing" and insert "deciding to renew"

In line 1525, after the underlined comma insert "and before actually issuing or renewing the license,"

In line 1538, after "licensee" insert "who has been issued a license under that section"

In line 1541, delete "the" and insert "a"; after "licensee" insert "who has been issued a license under section 2923.125 or 2923.1213 of the Revised Code"

In line 1547, delete "If a law enforcement officer"

Delete lines 1548 and 1549 and insert:

"If a

In line 1550, delete "that" and insert "a motor"; delete the underlined comma and insert "that is stopped as the result of a traffic stop or a stop for another law enforcement purpose"

In line 1551, delete "possesses" and insert "is transporting"; delete "at the time the officer"

In line 1552, delete "approaches the vehicle" and insert "in the motor vehicle at that time"; delete the third "the" and insert "any law enforcement"

In line 1553, after "officer" insert "who approaches the vehicle while stopped"; after "license" insert "or temporary emergency license"

In line 1555, after "handgun" insert "; the licensee shall comply with lawful orders of a law enforcement officer given while the motor vehicle is stopped, shall remain in the motor vehicle while stopped, and shall keep the licensee's hands in plain sight while any law enforcement officer begins approaching the licensee while stopped and before the officer leaves, unless directed otherwise by a law enforcement officer; and the licensee shall not knowingly remove, attempt to remove, grasp, or hold the loaded handgun or knowingly have contact with the loaded handgun by touching it with the licensee's hands or fingers, in any manner in violation of division (E) of section

2923.16 of the Revised Code, while any law enforcement officer begins approaching the licensee while stopped and before the officer leaves"

In line 1560, after "license" insert "or temporary emergency license"

In line 1562, after "license" insert "issued under section 2923.125 or 2923.1213 of the Revised Code"

In line 1670, delete "or" and insert an underlined comma

In line 1671, after "handgun" insert ", or denies an application for a temporary emergency license to carry a concealed handgun"

In line 1692, after "filed" insert "or with whom the application for a temporary emergency license to carry a concealed handgun was submitted"

In line 1694, after "license" insert "issued under section 2923.125 or 2923.1213 of the Revised Code"

In lines 1701, 1715, 1722, 1723, 1725, 1726, 1730, 1734, 1739, 1746, 1749, 1760, 1770, and 1771, after "license" insert "or temporary emergency license"

In lines 1719 and 1757, after "licensee" insert "who was issued a license under section 2923.125 or 2923.1213 of the Revised Code"; after "license" insert "or temporary emergency license"

In line 1726, after "licensee" insert "under section 2923.125 or 2923.1213 of the Revised Code"; after "license" insert "or temporary emergency license"

In line 1753, delete "The" and insert "Regarding a license issued under section 2923.125 of the Revised Code, the"

In line 1769, after "Code" insert "that are applicable to the licensee's type of license"

In lines 1791, 1798, and 1847, after "handgun" insert "or the issuance, suspension, or revocation of a temporary emergency license to carry a concealed handgun"

In line 1793, after "handgun" insert "or the failure to issue, suspend, or revoke a temporary emergency license to carry a concealed handgun"

In line 1844, after "(B)" insert "(1)"; after the underlined comma insert "except as provided in division (B)(2) of this section,"

In line 1848, after the underlined comma insert "completed affidavits submitted regarding an application for a temporary emergency license,"

In line 1853, delete "No" and insert "Except as provided in division (B)(2) of this section, no"

Between lines 1855 and 1856, insert:

"(2) Upon a written request made to a sheriff and signed by a journalist on or after the effective date of this section, the sheriff shall disclose to the journalist

the name, county of residence, and date of birth of each person to whom the sheriff has issued a license or replacement license to carry a concealed handgun, renewed a license to carry a concealed handgun, or issued a temporary emergency license or replacement temporary emergency license to carry a concealed handgun under section 2923.125 or 2923.1213 of the Revised Code. The request shall include the journalist's name and title, shall include the name and address of the journalist's employer, and shall state that disclosure of the information sought would be in the public interest.

As used in division (B)(2) of this section, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public."

In line 1859, delete "and" and insert an underlined comma

In line 1863, after "year" insert ", and the number of temporary emergency licenses to carry a concealed handgun that the sheriff issued, suspended, revoked, or denied during the previous quarter of the calendar year"

In line 1874, after "2923.125" insert "or division (B)(2) or (D) of section 2923.1213"

In line 1876, delete "No" and insert "A"

In line 1877, delete "shall release or otherwise disseminate" and insert "who releases or otherwise disseminates"

In line 1879, delete all after "division"

In line 1880, delete "person to do so" and insert "is guilty of a violation of section 2913.04 of the Revised Code"

In line 1881, delete "or (D)"

In line 1884, delete "for the violation"

In line 1885, after "Code" insert "for a violation of division (B) of this section or a violation of section 2913.04 of the Revised Code described in division (D) of this section"

In line 1889, delete the first underlined comma and insert "or"; delete ", or (D)"; after "section" insert "or a violation of section 2913.04 of the Revised Code described in division (D) of this section"

In line 1984, after "license" insert "or temporary emergency license"

In line 1985, after "2923.125" insert "or 2923.1213"

In line 1989, delete "concealed handgun"; after "license" insert "to carry a concealed handgun"

In line 1991, after "Code" insert "or a temporary emergency license to

carry a concealed handgun that was issued and that has been revoked pursuant to section 2923.1213 of the Revised Code"

Between lines 2061 and 2062, insert:

"Sec. 2923.1213. (A) As used in this section:

(1) "Evidence of imminent danger" means any of the following:

(a) A statement sworn by the person seeking to carry a concealed handgun that is made under threat of perjury and that states that the person has reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed;

(b) A written document prepared by a governmental entity or public official describing the facts that give the person seeking to carry a concealed handgun reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed. Written documents of this nature include, but are not limited to, any temporary protection order, civil protection order, protection order issued by another state, or other court order, any court report, and any report filed with or made by a law enforcement agency or prosecutor.

(2) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(B)(1) A person seeking a temporary emergency license to carry a concealed handgun shall submit to the sheriff of the county in which the person resides all of the following:

(a) Evidence of imminent danger to the person or a member of the person's family;

(b) A sworn affidavit that contains all of the information required to be on the license and attesting that the person is at least twenty-one years of age; is not a fugitive from justice; is not under indictment for or otherwise charged with an offense identified in division (D)(1)(d) of section 2923.125 of the Revised Code; has not been convicted of or pleaded guilty to an offense, and has not been adjudicated a delinquent child for committing an act, identified in division (D)(1)(e) of that section; within three years of the date of the submission, has not been convicted of or pleaded guilty to an offense, and has not been adjudicated a delinquent child for committing an act, identified in division (D)(1)(f) of that section; within five years of the date of the submission, has not been convicted of, pleaded guilty, or adjudicated a delinquent child for committing two or more violations identified in division (D)(1)(g) of that section; within ten years of the date of the submission, has not been convicted of, pleaded guilty, or adjudicated a delinquent child for committing a violation identified in division (D)(1)(h) of that section; has not been adjudicated as a mental defective, has not been committed to any mental institution, is not under adjudication of mental incompetence, has not been found by a court to be a mentally ill person subject to hospitalization by court order, and is not an involuntary patient other than one who is a patient only

for purposes of observation, as described in division (D)(1)(i) of that section; and is not currently subject to a civil protection order, a temporary protection order, or a protection order issued by a court of another state, as described in division (D)(1)(j) of that section;

(c) A temporary emergency license fee established by the Ohio peace officer training commission for an amount that does not exceed the actual cost of conducting the criminal background check or thirty dollars;

(d) A set of fingerprints of the applicant provided as described in section 311.41 of the Revised Code through use of an electronic fingerprint reading device or, if the sheriff to whom the application is submitted does not possess and does not have ready access to the use of an electronic fingerprint reading device, on a standard impression sheet prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code. If the fingerprints are provided on a standard impression sheet, the person also shall provide the person's social security number to the sheriff.

(2) Upon receipt of the evidence of imminent danger, the sworn affidavit, the fee, and the set of fingerprints required under division (B)(1) of this section, the sheriff immediately shall conduct or cause to be conducted the criminal records check and the incompetency records check described in section 311.41 of the Revised Code. Immediately upon receipt of the results of the records checks, the sheriff shall review the information and shall determine whether the criteria set forth in divisions (D)(1)(a) to (j) of section 2923.125 of the Revised Code apply regarding the person. If the sheriff determines that all of criteria set forth in divisions (D)(1)(a) to (j) of section 2923.125 of the Revised Code apply regarding the person, the sheriff shall immediately make available through the law enforcement automated data system all information that will be contained on the temporary emergency license for the person if one is issued, and the superintendent of the state highway patrol shall ensure that the system is so configured as to permit the transmission through the system of that information. Upon making that information available through the law enforcement automated data system, the sheriff shall immediately issue to the person a temporary emergency license to carry a concealed handgun.

If the sheriff denies the issuance of a temporary emergency license to the person, the sheriff shall specify the grounds for the denial in a written notice to the person. The person may appeal the denial, or challenge criminal records check results that were the basis of the denial if applicable, in the same manners specified in division (D)(2) of section 2923.125 and in section 2923.127 of the Revised Code, regarding the denial of an application for a license to carry a concealed handgun under that section.

The temporary emergency license under this division shall be in the form, and shall include all of the information, described in divisions (A)(2) and (5) of section 109.731 of the Revised Code, and also shall include a unique combination of identifying letters and numbers in accordance with division (A)(4) of that section.

The temporary emergency license issued under this division is valid for ninety days and may not be renewed. A person who has been issued a temporary emergency license under this division shall not be issued another temporary emergency license unless at least four years has expired since the issuance of the prior temporary emergency license.

(C) A person who holds a temporary emergency license to carry a concealed handgun has the same right to carry a concealed handgun as a person who was issued a license to carry a concealed handgun under section 2923.125 of the Revised Code, and any exceptions to the prohibitions contained in section 1547.69 and sections 2923.12 to 2923.16 of the Revised Code for a licensee under section 2923.125 of the Revised Code apply to a licensee under this section. The person is subject to the same restrictions, and to all other procedures, duties, and sanctions, that apply to a person who carries a license issued under section 2923.125 of the Revised Code, other than the license renewal procedures set forth in that section.

(D) A sheriff who issues a temporary emergency license to carry a concealed handgun under this section shall not require a person seeking to carry a concealed handgun in accordance with this section to submit a competency certificate as a prerequisite for issuing the license and shall comply with division (H) of section 2923.125 of the Revised Code in regards to the license. The sheriff shall suspend or revoke the license in accordance with section 2923.128 of the Revised Code. In addition to the suspension or revocation procedures set forth in section 2923.128 of the Revised Code, the sheriff may revoke the license upon receiving information, verifiable by public documents, that the person is not eligible to possess a firearm under either the laws of this state or of the United States or that the person committed perjury in obtaining the license; if the sheriff revokes a license under this additional authority, the sheriff shall notify the person, by certified mail, return receipt requested, at the person's last known residence address that the license has been revoked and that the person is required to surrender the license at the sheriff's office within ten days of the date on which the notice was mailed. Division (H) of section 2923.125 of the Revised Code applies regarding any suspension or revocation of a temporary emergency license to carry a concealed handgun.

(E) A sheriff who issues a temporary emergency license to carry a concealed handgun under this section shall retain, for the entire period during which the temporary emergency license is in effect, the evidence of imminent danger that the person submitted to the sheriff and that was the basis for the license, or a copy of that evidence, as appropriate.

(F) If a temporary emergency license to carry a concealed handgun issued under this section is lost or is destroyed, the licensee may obtain from the sheriff who issued that license a duplicate license upon the payment of a fee of fifteen dollars and the submission of an affidavit attesting to the loss or destruction of the license. The sheriff, in accordance with the procedures prescribed in section 109.731 of the Revised Code, shall place on the replacement license a

combination of identifying numbers different from the combination on the license that is being replaced.

(G) The Ohio peace officer training commission shall prescribe, and shall make available to sheriffs, a standard form to be used under division (B) of this section by a person who applies for a temporary emergency license to carry a concealed handgun on the basis of imminent danger of a type described in division (A)(1)(a) of this section.

(H) A sheriff who receives any fees paid by a person under this section shall deposit all fees so paid into the sheriff's concealed handgun license issuance expense fund established under section 311.42 of the Revised Code."

In line 2127, after "license" insert "or temporary emergency license"

In line 2128, after "handgun" insert "under section 2923.125 or 2923.1213 of the Revised Code"

In line 2129, after "(1)" insert "Knowingly transport or have a loaded handgun in a motor vehicle unless the loaded handgun either is in a holster and in plain sight on the person's person or it is securely encased by being stored in a closed, locked glove compartment or in a case that is in plain sight and that is locked:

(2) If the person is transporting or has a loaded handgun in a motor vehicle in a manner authorized under division (E)(1) of this section, knowingly remove or attempt to remove the loaded handgun from the holster, glove compartment, or case, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person's hands or fingers while the motor vehicle is being operated on a street, highway, or public property unless the person removes, attempts to remove, grasps, holds, or has the contact with the loaded handgun pursuant to and in accordance with directions given by a law enforcement officer;

(3)"; after "a" insert "motor"

In line 2132, after "vehicle" insert "in any manner"

In line 2134, after "license" insert "or temporary emergency license"

Between lines 2136 and 2137, insert:

"(4) If the person is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose and if the person is transporting or has a loaded handgun in the motor vehicle in any manner, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless, regarding a failure to remain in the motor vehicle or to keep the person's hands in plain sight, the failure is pursuant to and in accordance with

directions given by a law enforcement officer:"

In line 2137, delete "(2)" and insert "(5)"; after "a" insert "motor"

In line 2140, after "vehicle" insert "in a manner authorized under division (E)(1) of this section"

Delete line 2142 and insert "remove or attempt to remove the loaded handgun from the holster, glove compartment, or case, knowingly grasp or hold the loaded handgun, or knowingly have"

In line 2143, delete "a" and insert "the"; after "handgun" insert "by touching it with the person's hands or fingers"

In line 2145, delete "possesses or"

Delete line 2146

In line 2147, delete "accordance with explicit instructions" and insert "removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions"

In line 2209, after "license" insert "or temporary emergency license"

In line 2210, after "2923.125" insert "or 2923.1213"

In line 2217, delete all after "(c)"

Delete line 2218

In line 2219, delete "vehicle, and either" and insert "Either"; after "sight" insert "on the person's person"

In line 2221, delete "gun"

Delete lines 2223 through 2228

In line 2229, after "(E)" insert "(G)(1)"; reinsert "The affirmative defenses"; after "~~eontained~~" insert "authorized"; reinsert "in divisions"; after "(C)" insert "(D)"; reinsert "(1)"

Reinsert line 2230

In line 2231, reinsert "defenses to a charge under division (B) or (C) of this section"; after the reinserted "section" insert "that involves a firearm other than a handgun"; reinsert the stricken period

Delete lines 2232 through 2264 and insert:

"(2) It is an affirmative defense to a charge under division (B) or (C) of this section of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that this affirmative defense is not available unless the person, prior to arriving at the actor's own property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by division (B) or (C) of this section while the motor vehicle



was being operated on a street, highway, or other public or private property used by the public for vehicular traffic."

In line 2267, after "license" insert "or temporary emergency license"; after "2923.125" insert "or 2923.1213"

In line 2274, delete "(1)" and insert "(3)"

In line 2275, after the period insert "A violation of division (E)(1), (2), or (5) of this section is a felony of the fifth degree."

In lines 2276 and 2278, delete "(2)" and insert "(4)"

In line 2283, after "license" insert "or temporary emergency license"

In line 2284, after "2923.125" insert "or 2923.1213"

In line 2288, delete "recklessly" and insert "knowingly"

In line 2289, delete "2923.125" and insert "2923.126"

In line 2293, delete "(H)" and insert "(I)"

Between lines 2294 and 2295, insert:

"(J) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop."

In line 2295, delete "(J)" and insert "(K)"

Delete lines 2308 and 2309

In line 3034, after "2913.02," insert "2913.04,"

In line 3086, after "license" insert "or temporary emergency license"

In line 3087, after "2923.125" insert "or 2923.1213"

In line 3744, after "2004" insert ", or the earliest date permitted by law, whichever is later"

In lines 3748, 3761, and 3798, delete "2923.1212" and insert "2923.1213"

In line 3787, after "section" insert "and the license fee described in division (B) of section 2923.1213 of the Revised Code"

In line 3814, delete "and"; after "2923.1212" insert ", and 2923.1213"

In line 1 of the title, after "2913.02," insert "2913.04,"

In line 7 of the title, after "2923.1212," insert "2923.1213,"

Managers on the Part of the  
House of Representatives

Managers on the Part of the  
Senate

/S/ JAMES ASLANIDES  
JAMES ASLANIDES

/S/ STEVE AUSTRIA  
STEVE AUSTRIA

/S/ JIMMY STEWART  
JIMMY STEWART

/S/ SCOTT R. NEIN  
SCOTT R. NEIN

/S/ LANCE T. MASON  
LANCE T. MASON

/S/ MARC DANN  
MARC DANN

The question being, "Shall the report of the committee of Conference be agreed to?"

The yeas and nays were taken and resulted - yeas 69, nays 24, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Blasdel	Book
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Cirelli	Clancy
Collier	Core	Daniels	DeWine
Distel	Domenick	Driehaus	Evans C.
Evans D.	Faber	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Hartnett	Harwood	Hollister	Hoops
Hughes	Husted	Jolivette	Kearns
Latta	Martin	McGregor	Niehaus
Oelslager	Olman	Patton T.	Peterson
Raga	Raussen	Redfern	Reinhard
Schaffer	Schlichter	Schmidt	Seaver
Seitz	Setzer	Smith G.	Stewart D.
Stewart J.	Taylor	Trakas	Wagner
Walcher	Webster	White	Widener
Willamowski	Williams	Wilson	Wolpert
			Householder-69.

Those who voted in the negative were: Representatives

Barrett	Beatty	Brinkman	Brown
Chandler	DeBose	DeGeeter	Jerse
Key	Kilbane	Koziura	Mason
Miller	Perry	Reidelbach	Skindell
Smith S.	Strahorn	Sykes	Ujvagi
Widowfield	Woodard	Yates	Young-24.

The report of the committee of Conference was agreed to.

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

Representative Book submitted the following report:

The standing committee on Civil and Commercial Law to which was referred **H. B. No. 38**-Representative Willamowski, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: UNLICENSED SERVICE - DECEPTIVE TRADE PRACTICE

Representative Seitz moved to amend the title as follows:

Add the names: "Seitz, Widener, Latta, Book, Harwood, Mason, Core, Beatty, Callender."

WILLIAM J. SEITZ  
ROBERT E. LATTA  
TONY CORE  
LANCE T. MASON  
JOYCE BEATTY  
JAMIE CALLENDER

CHRIS WIDENER  
JOHN R. WILLAMOWSKI  
TODD BOOK  
SANDRA STABILE HARWOOD  
TIMOTHY J. GREDELLE

The report was agreed to.

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

Representative D. Stewart submitted the following report:

The standing committee on State Government to which was referred **H. B. No. 181**-Representative Schaffer, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: PUBLIC EMPLOYMENT - SUSPEND/ INELIGIBLE - CRIMES

Representative Carmichael moved to amend the title as follows:

Add the name: "Trakas."

KEVIN DEWINE  
PATRICIA M. CLANCY  
DAN STEWART  
JAMES PETER TRAKAS  
GARY W. CATES

LARRY L. FLOWERS  
ANNIE L. KEY  
STEPHEN BUEHRER  
JIM CARMICHAEL  
JON M. PETERSON

The report was agreed to.

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

Representative D. Stewart submitted the following report:

The standing committee on State Government to which was referred **H. B. No. 308**-Representative Hughes, having had the same under consideration, reports it back and recommends its passage.

RE: "STATE AMPHIBIAN - BULLFROG"

Representative Hughes moved to amend the title as follows:

Add the name: "Peterson."

KEVIN DEWINE  
PATRICIA M. CLANCY  
ANNIE L. KEY  
STEPHEN BUEHRER

LARRY L. FLOWERS  
DAN STEWART  
JON M. PETERSON  
JIM CARMICHAEL

The following member voted "NO"

JAMES PETER TRAKAS

The report was agreed to.

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

Representative Harwood submitted the following report:

The standing committee on Judiciary to which was referred **H. B. No. 252**-Representative Cates, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: ACTION TO REMOVE PROSECUTOR - MOTION PRACTICE

TOM RAGA  
TOM BRINKMAN  
W. SCOTT OELSLAGER  
JAMIE CALLENDER

JOHN R. WILLAMOWSKI  
SANDRA STABILE HARWOOD  
EDWARD JERSE

The following member voted "NO"

STEVE L. DRIEHAUS

The report was agreed to.

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

Representative Chandler submitted the following report:

The standing committee on County and Township Government to which was referred **H. B. No. 255**-Representative Setzer, et al., having had the same under consideration, reports it back and recommends its passage.

RE: SECURITY SYS FALSE ALARMS - INCREASE CHARGES

Representative Wolpert moved to amend the title as follows:

Add the names: "Chandler, Domenick, Collier, McGregor, Flowers, Wolpert."

LYNN E. OLMAN  
LARRY L. FLOWERS  
DIANA M. FESSLER  
MICHAEL J. SKINDELL  
DAVID DANIELS  
THOM COLLIER  
KATHLEEN WALCHER  
KATHLEEN CHANDLER

JOHN SCHLICHTER  
CLYDE EVANS  
JEFF WAGNER  
LARRY L. WOLPERT  
JIM MCGREGOR  
MARY M. CIRELLI  
JOHN DOMENICK  
PETER UJVAGI

The report was agreed to.

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

## MOTIONS AND RESOLUTIONS

### MESSAGE FROM THE SPEAKER

January 6, 2004

Representative Chris Redfern, Minority Leader  
Representative Joyce Beatty, Assistant Minority Leader  
Representative Dale Miller, Minority Whip  
Members of the OHR Democratic Caucus  
Ohio House of Representatives  
77 South High Street  
Columbus, OH 43215

Dear Colleagues:

As you know, my Air Force Reserves Unit has been activated to support Operation Freedom. While our Caucus knew this was a possibility at the time my colleagues voted for me to be the Assistant Minority Whip for the 125th General Assembly, none of us realized the duration of the war, or that my deployment may be up for one year.

I have been honored to serve with our Leadership Team, and I was proud to have your vote of confidence behind me as demonstrated by our Democratic Caucus last year. However, because I have been called upon to serve another worthy cause, our national security, I reluctantly step down from my Assistant Minority Whip position for the duration of my deployment.

While I am effectively carrying out my duties for my constituents as their State Representative, as other activated members have done in the past, the duties of Assistant Minority Whip, as mandated by statute, are another matter. I cannot fulfill all the aspects of the Assistant Minority Whip from overseas, because it requires political appearances and vote counting.

When I return, it will be my honor and pleasure to work with all of you again - and should all of you so decide - to serve our Caucus again in Leadership. I look forward to that time with more longing than you can ever imagine.

Until then - I remain your friend and colleague,

/s/ JOHN BOCCIERI  
John Boccieri  
State Representative - District 61

Cc: State Representative Larry Householder, Speaker

## MESSAGE FROM THE SPEAKER

Representative John Bocchieri  
Ohio House of Representatives  
77 South High Street  
Columbus, Ohio 43215-6111

Dear Representative Bocchieri:

This is to acknowledge receipt and acceptance of your letter of resignation as the Assistant Minority Whip. You have served the members of your caucus admirably in your leadership role, and I am confident you will do so providing national security and defending our country.

We look forward to your safe return.

Sincerely,  
/s/ LARRY HOUSEHOLDER  
Larry Householder  
Speaker  
Ohio House of Representatives

Representative Cates moved that HR 177 be brought up for immediate adoption, read in full, and spread upon the pages of the journal.

The motion was agreed to without objection.

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

**H. R. No. 177-REPRESENTATIVE Householder.**

Relative to the election of the assistant minority whip for the 125th General Assembly of Ohio.

*WHEREAS, John Bocchieri of the 61st House District has resigned as assistant minority whip of the House of Representatives of the 125th General Assembly, thus creating a vacancy in the position of assistant minority whip of the House of Representatives; and*

*WHEREAS, The members of the House of Representatives of the 125th General Assembly of Ohio have been advised that the caucus of Democrat members have chosen Lance T. Mason of House District #8 as assistant minority whip; therefore be it*

*RESOLVED, By the members of the House of Representatives of the 125th General Assembly that Lance T. Mason be, and upon adoption of this resolution is, hereby elected to the office of assistant minority whip.*

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

The yeas and nays were taken and resulted - yeas 93, 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	DeGeeter	DeWine	Distel
Domenick	Driehaus	Evans C.	Evans D.
Faber	Fessler	Flowers	Gibbs
Gilb	Grendell	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Husted	Jerse	Jolivette	Kearns
Key	Kilbane	Koziura	Latta
Martin	Mason	McGregor	Miller
Niehaus	Oelslager	Olman	Patton T.
Perry	Peterson	Raga	Rausen
Redfern	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Seaver	Seitz
Setzer	Skindell	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Taylor	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wilson
Wolpert	Woodard	Yates	Young
			Householder-93.

The resolution was adopted.

Representative Mason was escorted to the bar of the House by Representatives Redfern, Beatty, Miller, Cates, Clancy, Trakas, Woodard, and T. Patton, took the oath of office administered by the Honorable Larry Householder, Speaker of the Ohio House of Representatives, and entered upon the discharge of his duties.

State of Ohio  
County of Franklin

I, Lance T. Mason, 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 minority leadership of the Ohio House of Representatives, according to the best of my ability and understanding; and I this I do as I shall answer unto God.

/s/ LANCE T. MASON

Sworn to and subscribed before me this 7th day of January, 2004

/s/ LARRY HOUSEHOLDER

Representative Cates moved that **H.C.R. No. 38** - Speaker Householder, Representative Redfern, 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. C. R. No. 38**-Representatives Householder, Redfern.

Authorizing a joint convention of the Ohio General Assembly for the purpose of receiving a message from the Governor.

*WHEREAS, The members of the 125th General Assembly of Ohio, by adoption of the Resolution, call for a joint session of the legislature, to be held in the House Chambers of the Ohio Statehouse, January 28, 2004 at 12:00 o'clock p.m.; and*

*WHEREAS, The Ohio General Assembly annually convenes a joint session of the House and Senate for the purpose of receiving a message from the Governor as to the State of the State; therefore be it*

*RESOLVED, That we, the members of the 125th General Assembly of Ohio, in adopting this Resolution, authorize a joint convention of the legislature to be held in the House Chambers of the Ohio Statehouse, Columbus, January 28, 2004 at 12:00 o'clock p.m., for the purpose of welcoming the Governor, the Honorable Bob Taft, and receiving his message on the State of the State; and be it further*

*RESOLVED, That the Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to Governor Bob Taft and to the news media of Ohio.*

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

The yeas and nays were taken and resulted - yeas 93, 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	DeGeeter	DeWine	Distel
Domenick	Driehaus	Evans C.	Evans D.
Faber	Fessler	Flowers	Gibbs
Gilb	Grendell	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Husted	Jerse	Jolivette	Kearns
Key	Kilbane	Koziura	Latta
Martin	Mason	McGregor	Miller
Niehaus	Oelslager	Olman	Patton T.
Perry	Peterson	Raga	Rausen



Redfern	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Seaver	Seitz
Setzer	Skindell	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Taylor	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wilson
Wolpert	Woodard	Yates	Young
			Householder-93.

The concurrent resolution was adopted.

Representative Cates moved that **H.C.R. No. 39** - Speaker Householder, Representative Redfern, 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. C. R. No. 39**-Representatives Householder, Redfern.

Calling for a committee to wait upon the Governor in anticipation of his State of the State Address.

*WHEREAS, The members of the 125th General Assembly of Ohio, by adoption of the Resolution, call for a committee of nine on the part of the House of Representatives and five on the part of the Senate to be appointed to wait upon the Governor in anticipation of his State of the State Address, January 28, 2004 at 12:00 o'clock p.m.; and*

*WHEREAS, The Ohio General Assembly periodically convenes a joint session of the House and Senate for the purpose of receiving a message from the Governor as to the State of the State; and*

*WHEREAS, That address will be held in the House Chambers of the Ohio Statehouse, January 28, 2004 at 12:00 o'clock p.m.; and*

*WHEREAS, It is a tradition of courtesy for the Ohio General Assembly to appoint a committee to wait upon the Governor; therefore be it*

*RESOLVED, That we, the members of the 125th General Assembly of Ohio, in adopting this Resolution, call for a committee of nine on the part of the House of Representatives and five on the part of the Senate to be appointed to wait upon the Governor; and be it further*

*RESOLVED, That the Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to Governor Bob Taft and to the news media of Ohio.*

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

The yeas and nays were taken and resulted - yeas 93, 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	DeGeeter	DeWine	Distel
Domenick	Driehaus	Evans C.	Evans D.
Faber	Fessler	Flowers	Gibbs
Gilb	Grendell	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Husted	Jerse	Jolivette	Kearns
Key	Kilbane	Koziura	Latta
Martin	Mason	McGregor	Miller
Niehaus	Oelslager	Olman	Patton T.
Perry	Peterson	Raga	Rausen
Redfern	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Seaver	Seitz
Setzer	Skindell	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Taylor	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wilson
Wolpert	Woodard	Yates	Young
			Householder-93.

The concurrent resolution was adopted.

Representative Trakas moved that majority party members asking leave to be absent or absent the week of Tuesday, January 6, 2004, 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 Tuesday, January 6, 2004, 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**

**Sub. H. B. No. 282**-Representatives Flowers, Martin, Seitz, Setzer, Allen, G. Smith, Daniels, Driehaus, Faber, Fessler, Gibbs, Hughes, Koziura, T. Patton, Seaver, Sferra, White, Wolpert, Woodard.

To amend sections 3903.28 and 3903.32 and to enact sections 3929.62, 3929.63, 3929.631, 3929.632, 3929.64, 3929.65, 3929.66, 3929.661, 3929.67, 3929.68, 3929.681, 3929.682, 3929.69, and 3929.70 of the Revised Code to

lengthen the time period during which the liquidator of an insolvent insurance company may void certain preferential transfers, to provide for the establishment of a Medical Liability Underwriting Association for medical liability insurance, and to make an appropriation, was taken up for consideration the third time.

Representative Cates moved that House Rule No. 64, pertaining to bills with an appropriation clause being referred to the Committee on Finance and Appropriations, be suspended and that **Sub. H. B. No. 282**-Representative Flowers, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 93, 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	DeGeeter	DeWine	Distel
Domenick	Driehaus	Evans C.	Evans D.
Faber	Fessler	Flowers	Gibbs
Gilb	Grendell	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Husted	Jerse	Jolivette	Kearns
Key	Kilbane	Koziura	Latta
Martin	Mason	McGregor	Miller
Niehaus	Oelslager	Olman	Patton T.
Perry	Peterson	Raga	Rausen
Redfern	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Seaver	Seitz
Setzer	Skindell	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Taylor	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wilson
Wolpert	Woodard	Yates	Young
			Householder-93.

The bill passed.

Representative Flowers moved to amend the title as follows:

Add the names: "Barrett, Book, Brown, Calvert, Carano, Cirelli, Clancy, Collier, DeBose, Distel, Domenick, C. Evans, D. Evans, Gilb, Hagan, Hartnett, Harwood, Hollister, Hoops, Hughes, Jerse, Key, Mason, Miller, Niehaus, Oelslager, Olman, Reidelbach, Schaffer, Schlichter, Schmidt, S.

Smith, D. Stewart, J. Stewart, Strahorn, Taylor, Widener, Willamowski, Wilson, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Am. H. B. No. 301**-Representatives Core, Seitz, Hoops, Gilb, Willamowski, McGregor, Collier, Gibbs, White, Hughes, Setzer, T. Patton, Wolpert, Daniels, Sferra, Martin, G. Smith.

To amend section 3929.18 of the Revised Code to limit the duration of a mutual insurance company's lien on property it insures to five years from the date of filing a certificate or extension certificate with the county recorder, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 93, 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	DeGeeter	DeWine	Distel
Domenick	Driehaus	Evans C.	Evans D.
Faber	Fessler	Flowers	Gibbs
Gilb	Grendell	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Husted	Jerse	Jolivette	Kearns
Key	Kilbane	Koziura	Latta
Martin	Mason	McGregor	Miller
Niehaus	Oelslager	Olman	Patton T.
Perry	Peterson	Raga	Rausen
Redfern	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Seaver	Seitz
Setzer	Skindell	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Taylor	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wilson
Wolpert	Woodard	Yates	Young
			Householder-93.

The bill passed.

Representative Core moved to amend the title as follows:

Add the names: "Aslanides, Book, Buehrer, Calvert, Carano, Clancy, DeGeeter, Domenick, Flowers, Grendell, Harwood, Reidelbach, Schmidt, Skindell, S. Smith, J. Stewart, Taylor, Woodard."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on January 6, 2004, signed the following:

**Am. Sub. S.B. No. 86** - Senator Stivers et al.,

**Am. Sub. S.B. No. 97** - Senator Mallory et al.

CLERK'S NOTATION

This is to acknowledge receipt from the Supreme Court of Ohio, on January 7, 2004, proposed amendments to the Ohio Rules of Civil Procedure, Ohio Rules of Juvenile Procedure, and Ohio Rules of Criminal Procedure.

On motion of Representative Cates, the House adjourned until Thursday, January 8, 2004 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.