

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, JANUARY 20, 2004

ONE HUNDRED THIRTY-SEVENTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, January 20, 2004 at 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Ricky LaVaughn of the Hilltop Seventh Day Adventist Church 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 Householder prior to the commencement of business:

The Columbus Academy football team received HR 180, presented by Representative McGregor-20th district.

### INTRODUCTION OF BILLS

The following bills were introduced:

**H. B. No. 374**-Representatives Trakas, Seitz, Harwood, D. Stewart, Distel, Clancy, Daniels, Carano, Peterson, Perry, Sferra, Blasdel, Schneider.

To amend section 4301.22 of the Revised Code to remove under specified conditions the prohibition against allowing liquor agency stores to sell spirituous liquor on Sunday.

**H. B. No. 375**-Representatives Kilbane, Willamowski, Collier, Kearns, McGregor, Hollister, C. Evans, Clancy, Strahorn, S. Smith, Widener, Key, Hartnett, Ujvagi, Fessler, Harwood, Setzer, Webster.

To amend sections 2930.16 and 2967.12 and to enact section 5149.102 of the Revised Code to permit the victim of an offense of violence, or the victim's representative, to testify at a panel hearing of the Parole Board regarding the parole of the offender who committed the offense of violence.

Said bills were considered the first time.

### MOTIONS AND RESOLUTIONS

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

**H.R. No. 166** - Speaker Householder, Representatives Redfern, Allen, Aslanides, Barrett, Beatty, Blasdel, Bocchieri, Book, Brinkman, Brown, Buehrer, Callender, Calvert, Carano, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Core, Daniels, DeBose, DeGeeter, DeWine, Distel, Domenick, Driehaus, C. Evans, D. Evans, 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, Otterman, S. Patton, T. Patton, Perry, Peterson, Price, Raga, Raussen, Reidelbach, Reinhard, Schaffer, Schlichter, Schmidt, Schneider, 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**  
IN MEMORY OF JOSEPH P. TULLEY

/s/ GARY CATES

Gary Cates, Vice Chair

Representative Cates moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolution contained therein be brought up for immediate adoption, read in full, and spread upon the pages of the journal.

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

**H. R. No. 166**-Representatives Householder, Redfern, Allen, Aslanides, Barrett, Beatty, Blasdel, Boccieri, Book, Brinkman, Brown, Buehrer, Callender, Calvert, Carano, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Core, Daniels, DeBose, DeGeeter, DeWine, Distel, Domenick, Driehaus, C. Evans, D. Evans, 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, Otterman, S. Patton, T. Patton, Perry, Peterson, Price, Raga, Raussen, Reidelbach, Reinhard, Schaffer, Schlichter, Schmidt, Schneider, 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.

In memory of Joseph P. Tulley.

*WHEREAS, The members of the House of Representatives of the 125th General Assembly of Ohio were deeply saddened to learn of the death of Joseph P. Tulley and extend our heartfelt condolences to his family and friends; and*

*WHEREAS, Joseph Tulley left an indelible impression on the people whose lives he touched, and he will be remembered as a spirited individual who contributed immeasurably to the world around him. A U.S. Navy veteran of World War II and the Korean War and a former prosecutor for the City of Willoughby and co-owner of the radio station WELW AM/1330, he also served as a member of the Ohio House of Representatives from 1966 to 1976, where he*

*chaired the Judiciary Committee. He was active with such praiseworthy organizations as the Lake County Bar Association and United Way, the Willoughby Rotary Club and Chamber of Commerce, the Mentor Planning Commission and Library Board, the Holy Name Society Deanery, the Catholic Service Bureau, and the Knights of Columbus and although the void which his death has created can never be filled, the legacy of care and commitment which he established will surely live on; and*

*WHEREAS, Joseph Tulley's regard for improving the quality of life in our society was clearly evident in his personal sacrifices of time and effort to his family, friends, and community. Giving generously of his energy and abilities in all of his endeavors, he displayed exceptional concern and insight, and his absence will be keenly felt; and*

*WHEREAS, In his various roles as a loving husband to his wife, Mary, a devoted father to his seven children, Timothy, Patrick, Deborah, Mary, Candace, Ellen, and Sarah, a proud grandfather of fourteen grandchildren and one great-grandchild, and a prominent member of the community, Joseph Tulley always used his talents to the benefit of those around him. The warmth and understanding which he readily extended to others will stand as a testament to his personal character; therefore be it*

*RESOLVED, That we, the members of the House of Representatives of the 125th General Assembly of Ohio, in adopting this Resolution, express a profound sense of loss and sincere regret at the death of Joseph P. Tulley and, in so doing, pay tribute to the memory of a truly unique individual; and be it further*

*RESOLVED, That the Clerk of the House of Representatives transmit a duly authenticated copy of this Resolution to the family of Joseph P. Tulley.*

The resolution was adopted.

#### MESSAGE FROM THE SPEAKER

January 12, 2004

The Honorable Larry Householder  
Speaker  
Ohio House of Representatives

Dear Speaker Householder:

Please accept my letter of resignation from the Ohio House of Representatives effective January 16, 2004.

This is a bittersweet moment for me. I am sad to leave my colleagues. I wish each of them my very best. I am, however, excited with the possibility of being appointed to the Butler County Board of Commissioners.

Mr. Speaker, I will be forever grateful to the citizens of the 54th district for the

opportunity to serve them in the House. Furthermore, I want to thank you for the confidence, trust and support you have shown me. I will always remember.

Sincerely,

/s/ GREGORY V. JOLIVETTE  
Gregory V. Jolivette  
State Representative  
54th House District

#### MESSAGE FROM THE SPEAKER

The Honorable Greg Jolivette  
Ohio House of Representatives  
77 South High Street, 13th Floor  
Columbus, Ohio 43215

Dear Representative Jolivette:

This is to acknowledge receipt and acceptance of your letter of resignation from the Ohio House of Representatives, effective January 16, 2004.

You have served your constituents well over the years, and I am confident you will continue to do so as a Butler County Commissioner.

Sincerely,

/s/ LARRY HOUSEHOLDER  
Larry Householder  
Speaker

#### BILLS FOR THIRD CONSIDERATION

**Sub. H. B. No. 38**-Representatives Willamowski, Hagan, McGregor, Seitz, Setzer, Schaffer, Buehrer, Widener, Latta, Book, Harwood, Mason, Core, Beatty, Callender.

To amend sections 4705.07 and 4705.99 of the Revised Code to specifically prohibit a person not licensed to practice law in Ohio from performing any act prohibited by the Supreme Court as the unauthorized practice of law and to provide for the recovery of damages for a violation of the prohibition, 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 2, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Book	Brown	Buehrer

Calvert	Carano	Carmichael	Cates
Cirelli	Clancy	Collier	Core
Daniels	DeBose	DeGeeter	Distel
Domenick	Driehaus	Evans C.	Evans D.
Faber	Fessler	Flowers	Gibbs
Gilb	Grendell	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Husted	Jerse	Kearns	Key
Kilbane	Koziura	Latta	Martin
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	Patton S.
Patton T.	Perry	Peterson	Price
Raga	Rausen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	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.

Representatives Brinkman and Chandler voted in the negative-2.

The bill passed.

Representative Willamowski moved to amend the title as follows:

Add the names: "Blasdel, Cirelli, Daniels, DeBose, DeGeeter, Domenick, C. Evans, D. Evans, Faber, Flowers, Gilb, Hughes, Key, T. Patton, Schmidt, Skindell, G. Smith, S. Smith, J. Stewart."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 252**-Representative Cates.

To amend section 309.05 of the Revised Code to regulate when motions for judgment on the pleadings, motions to dismiss, and motions for summary judgment may be filed in actions to remove a prosecuting attorney, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 76, nays 19, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Blasdel	Book
Brinkman	Buehrer	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DeGeeter	Distel	Domenick
Evans C.	Evans D.	Faber	Fessler

Flowers	Gibbs	Gilb	Grendell
Hagan	Hartnett	Harwood	Hollister
Hoops	Hughes	Husted	Jerse
Kearns	Kilbane	Koziura	Latta
Martin	McGregor	Niehaus	Oelslager
Olman	Otterman	Patton T.	Perry
Peterson	Raga	Rausen	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Smith G.	Stewart J.	Taylor	Trakas
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wilson	Wolpert	Young	Householder-76.

Those who voted in the negative were: Representatives

Barrett	Beatty	Brown	Driehaus
Key	Mason	Miller	Patton S.
Price	Redfern	Sferra	Skindell
Smith S.	Stewart D.	Strahorn	Sykes
Ujvagi	Woodard		Yates-19.

The bill passed.

Representative Cates moved to amend the title as follows:

Add the names: "Aslanides, D. Evans, Faber, Flowers, Gilb, Hagan, Hughes, Latta, Martin, McGregor, Schaffer, Schmidt, Webster, Willamowski."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

#### MESSAGE FROM THE SPEAKER

The Speaker hereby appoints the following members of the House to the Committee of Conference on matters of difference between the two houses on **Am. Sub. S.B. No. 2** - Senator R.A. Gardner:

Representatives Setzer, C. Evans, and Hartnett

On motion of Representative Cates, the House adjourned until Wednesday, January 21, 2004 at 1:30 o'clock p.m.

Attest:

LAURA P. CLEMENS,  
Clerk.