

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, JANUARY 27, 2004

ONE HUNDRED FORTIETH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, January 27, 2004 at 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Rabbi Mishe Meirovich of the Congregation Ohav Shalom in Cincinnati, 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:

Courtney Wayman, niece, Representative Wolpert-23rd district.

Fourth grade students from The Wellington School, guest of Representatives Wolpert-23rd district and G. Smith-24th district.

Donald Kuhr, Rabbi and Mrs. Robert Reiner, guests of Representative Raussen-28th district.

Ministers La Marr, Carter, Marshall, Scott, King, Sowell, guests of Representatives Beatty-27th district and Price-26th district.

#### INTRODUCTION OF BILLS

The following bills were introduced:

**H. B. No. 381**-Representatives Key, Price, S. Smith, Sykes, Ujvagi, Reidelbach.

To enact section 4513.66 of the Revised Code to establish a procedure for a vehicle owner to obtain the release of a vehicle without payment of towing and storage fees if a law enforcement agency improperly ordered the vehicle into storage.

**H. B. No. 382**-Representatives Widowfield, Peterson, McGregor, Gilb, D. Evans, Kearns, Setzer, Schlichter, DeWine, S. Smith, Carano, Distel, DeGeeter, Driehaus, Strahorn, Miller, D. Stewart.

To enact sections 3727.18, 3727.181, 3727.182, 3727.183, 3727.184, 3727.185, 3727.186, and 3727.187 of the Revised Code to prohibit hospitals from requiring registered nurses and licensed practical nurses to work overtime.

**H. B. No. 383**-Representatives Walcher, D. Evans, Aslanides, Wagner, McGregor, Reidelbach, Fessler, Price, Wolpert, Olman, Kearns, Setzer, Webster, Hagan, Collier, Schaffer, Widener, Distel.

To amend section 2923.01 and to enact section 2913.421 of the Revised

Code to prohibit a person from transmitting multiple electronic mail advertisements, falsifying the originating address or other routing information in multiple electronic mail advertisements, or falsifying registration information for multiple electronic mail accounts, and to prohibit unauthorized access to a public computer to transmit multiple electronic mail advertisements.

**H. B. No. 384**-Representatives Raussen, Gibbs, Clancy, Schaffer, Seitz, Webster, Latta, Aslanides.

To amend sections 2152.17, 2929.14, 2929.19, and 5120.031 and to enact section 2941.1413 of the Revised Code to require the imposition of a five-year prison term upon an offender who caused serious physical harm of a certain nature to a victim.

Said bills were considered the first time.

### CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 272**-Representative Seitz, et al., were taken up for consideration.

**Sub. H. B. No. 272**-Representatives Seitz, McGregor, Calvert, Fessler, Wolpert, Hoops, Clancy, Schmidt, Willamowski, Schneider, Setzer, Aslanides, Raga, Young, Wagner, Webster, Buehrer, Daniels, Collier, Hagan, Cates, Schaffer, Gilb, Reidelbach, Niehaus, Latta, Seaver, Faber, D. Evans, Flowers, Taylor, Grendell, Brinkman, Blasdel, Distel, C. Evans, Gibbs, Jolivette, Martin, Raussen, Schlichter, White, Widener. -Senators Harris, Blessing, Amstutz, Carey, Hottinger, Jordan, Wachtmann, Padgett.

To amend sections 3101.01 and 3105.12 of the Revised Code to specifically declare that same-sex marriages are against the strong public policy of the state, to declare that the recognition or extension by the state of the specific statutory benefits of legal marriage to nonmarital relationships is against the public policy of the state, and to make other declarations regarding same-sex marriages.

The question being, "Shall the Senate amendments be concurred in?"

Representative Seitz moved that the Senate amendments to **Sub. H.B. No. 272**, be informally passed and that they be made a special order of business for Tuesday, February 3, 2004.

The motion was agreed to without objection.

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

Representative Perry submitted the following report:

The standing committee on Transportation and Public Safety to which was referred **H. B. No. 30**-Representative Williams, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: DISABILITY PARKING - PENALTIES FOR VIOLATION

Representative Reinhard moved to amend the title as follows:

Add the names: "S. Patton, Perry, Price, Reinhard, Schlichter, Widowfield."

Representative Schlichter moved to amend as follows:

In line 68, delete "A" and insert "If a"; delete "may" and insert "chooses to"; after "a" insert "specific"; delete "not exceeding five hundred"

In line 69, delete "dollars, plus costs and other administrative charges."

In line 72, after "space" insert ", the fine the local authority establishes for such offense shall be an amount not less than two hundred fifty dollars but not more than five hundred dollars"

In line 88, delete "At any time if" and insert "If"

In line 92, delete "and the fine for such violation"

Delete line 93

In line 94, delete "administrative charges"

In line 4 of the title, delete "up" and insert "\$250"

In line 9 of the title, delete "and the fine exceeds \$100"

The motion was agreed to.

JOHN WIDOWFIELD  
JOHN SCHLICHTER  
JIM MCGREGOR  
DANIEL J. SFERRA  
SYLVESTER D. PATTON  
ANNIE L. KEY

JAMES M. HOOPS  
LARRY L. FLOWERS  
JIM ASLANIDES  
LARRY PRICE  
STEVE REINHARD

The report was agreed to.

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

Representative Perry submitted the following report:

The standing committee on Transportation and Public Safety to which was referred **H. B. No. 219**-Representative Schlichter, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: AIR BAGS - ONLY AS DESIGNED FOR VEHICLE

Representative Reinhard moved to amend the title as follows:

Add the names: "Aslanides, Flowers, Hoops, Price, Reinhard, Sferra, Widowfield."

Representative Schlichter moved to amend as follows:

In line 19, after "degree" insert "on a first offense. On each subsequent offense, the person is guilty of a felony of the fifth degree"

The motion was agreed to.

JIM ASLANIDES	JOHN WIDOWFIELD
JAMES M. HOOPS	JOHN SCHLICHTER
LARRY L. FLOWERS	JIM MCGREGOR
DANIEL J. SFERRA	LARRY PRICE
STEVE REINHARD	SYLVESTER D. PATTON
ANNIE L. KEY	

The report was agreed to.

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

#### 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. 142 - Speaker Householder, Representatives Redfern, Allen, Aslanides, Barrett, Beatty, Blasdel, Boccieri, Book, Brinkman, Brown, Buehrer, Callender, Calvert, Carano, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Core, Daniels, DeBose, DePiero, DeWine, Distel, Domenick, Driehaus, C. Evans, D. Evans, Faber, Fessler, Flowers, Gibbs, Gilb, Grendell, Hagan, Hartnett, Harwood, Hollister, Hoops, Hughes, Husted, Jerse, Jolivet, 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 DON E. GILMORE

/s/ LARRY HOUSEHOLDER

Larry Householder, 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 motion was agreed to.

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

**H. R. No. 142**-Speaker Householder, Representatives Redfern, Allen, Aslanides, Barrett, Beatty, Blasdel, Boccieri, Book, Brinkman, Brown, Buehrer, Callender, Calvert, Carano, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Core, Daniels, DeBose, DePiero, DeWine, Distel, Domenick, Driehaus, C. Evans, D. Evans, Faber, Fessler, Flowers, Gibbs, Gilb, Grendell, Hagan, Hartnett, Harwood, Hollister, Hoops, Hughes, Husted, Jerse, Jolivet, 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 Don E. Gilmore.

*WHEREAS, The members of the House of Representatives of the 125th General Assembly of Ohio wish to extend our heartfelt condolences to the family and friends of Don E. Gilmore in their time of bereavement; and*

*WHEREAS, Don Gilmore's zealous love of life and his selfless concern for the welfare of others distinguished him as an outstanding human being and a leading citizen. A member of the Ohio House of Representatives from 1979 to 1990, he was also a former Franklin County deputy sheriff, where he was active with the Police Motorcycle Escort Service, and an officer with the Dublin and Perry Township police departments. He was a dedicated and devoted public servant whose exemplary career serves as an inspiration for others; and*

*WHEREAS, A man of exceptional concern and insight, Don Gilmore also achieved a praiseworthy record of service as the owner of Central Ohio Security for twenty-one years, a former pitcher for the St. Louis Cardinals baseball organization, and a member of the Southgate Potter Lodge 728 of the Free and Accepted Masons, the Scottish Rite, and Aladdin Shrine Temple. We applaud his tremendous record of accomplishment; and*

*WHEREAS, A loving husband to his wife, Jean, a devoted father to his four children, Tammy, Karen, Kim, and Don, and the proud grandfather of three grandchildren, Joey, Carrie, and Logan, Don Gilmore always used his*

*talents to the benefit of those around him, and the laurels of his life stand as a tribute not only to him, but also to those he left behind. The world is a richer place for his having been in it, and he will be sorely missed; therefore be it*

*RESOLVED, That we, the members of the House of Representatives of the 125th General Assembly of Ohio, in adopting this Resolution, pay tribute to the memory of a truly honorable man, Don E. Gilmore; 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 Don E. Gilmore.*

The resolution was adopted.

### **BILLS FOR THIRD CONSIDERATION**

#### **Sub. H. B. No. 306-Representative Wolpert.**

To amend sections 109.572, 121.08, 307.697, 351.26, 924.51, 1333.83, 2933.41, 4301.07, 4301.10, 4301.19, 4301.20, 4301.22, 4301.24, 4301.29, 4301.30, 4301.39, 4301.41, 4301.424, 4301.99, 4303.03, 4303.07, 4303.09, 4303.181, 4303.203, 4303.204, 4303.231, 4303.24, 4303.25, 4303.27, 4303.271, 4303.292, 4303.293, 4303.30, 4399.02, 4399.04, 4399.07, 4399.08, and 4399.18, to enact section 4301.77, and to repeal section 4399.01 of the Revised Code to eliminate the authority of the Division of Liquor Control to order liquor permit holders to stop selling intoxicating liquor to certain persons; to authorize the Division to share social security numbers with other state or local law enforcement agencies for specific purposes; to authorize the Department of Commerce or, if acting with authorization on the Department's behalf, the Division to seek BCII or FBI criminal records checks for certain individuals associated with the issuance or transfer of permits, licenses, or certifications; to modify provisions relating to the annual permit fees for A-2, B-2, and B-4 permit holders; to change the name of the out-of-state supplier "consent to import"; to change the registration fee for agents, solicitors, and sales persons of beer or intoxicating liquor manufacturers, suppliers, brokers, or wholesale distributors to a biennial fee; to revise the deadline for paying a permit fee when a person applies for a liquor permit; to change provisions that require the disclosure of shareholders of or holders of membership interests in a corporation or limited liability company applying for a liquor permit; to correct references to the "Department of Liquor Control" and "Director of Liquor Control;" to change the manner in which beer, intoxicating liquor, and alcohol seized by a law enforcement agency is disposed of; to revise when duplicate permit fees are paid; to change the qualifications for issuance of the D-5a and D-5i permits; and to revise other provisions of the Liquor Control Law, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Wolpert moved to amend as follows:

In line 286, after "bureau" insert ";

(3) The superintendent or the superintendent's designee may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code"

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 93, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Book	Buehrer	Callender
Calvert	Carano	Carmichael	Cates
Chandler	Cirelli	Clancy	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Domenick
Driehaus	Evans C.	Evans D.	Faber
Fessler	Flowers	Gibbs	Gilb
Grendell	Hagan	Hartnett	Harwood
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	Skindell	Smith G.
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Taylor	Trakas	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wilson
Wolpert	Woodard	Yates	Young
			Householder-93.

Representative Brinkman voted in the negative-1.

The bill passed.

Representative Wolpert moved to amend the title as follows:

Add the names: "Aslanides, Barrett, Carmichael, Collier, DeBose, C. Evans, Flowers, Key, Martin, T. Patton, Price, S. Smith, D. Stewart, Woodard, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 322**-Representatives Widener, Kearns, Hollister, Kilbane, Taylor, Otterman, Allen.

To amend sections 4703.02, 4703.13, 4703.33, 4703.36, and 4733.15 and to

enact section 4733.151 of the Revised Code to increase the annual renewal of registration fee for professional engineers and professional surveyors, to implement continuing professional development requirements for registration renewals of professional engineers and surveyors beginning in calendar year 2008, and to authorize the State Board of Examiners of Architects and the State Board of Landscape Architect Examiners to adopt rules pertaining to continuing education requirements, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

On motion of Representative Cates, the House recessed.

The House met pursuant to recess.

The yeas and nays were taken and resulted - yeas 85, nays 7, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Book	Buehrer	Callender
Calvert	Carano	Carmichael	Cates
Chandler	Cirelli	Clancy	Collier
Combs	Core	Daniels	DeGeeter
DeWine	Distel	Driehaus	Evans C.
Evans D.	Faber	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Hartnett	Harwood	Hoops	Hughes
Husted	Jerse	Key	Kilbane
Koziura	Latta	Mason	McGregor
Miller	Niehaus	Oelslager	Olman
Otterman	Patton S.	Patton T.	Perry
Peterson	Price	Raga	Redfern
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Seaver	Seitz	Setzer
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Taylor
Trakas	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Woodard	Yates	Young
			Householder-85.

Representatives Brinkman, Domenick, Kearns, Martin, Raussen, Schneider, and Wagner voted in the negative-7.

The bill passed.

Representative Widener moved to amend the title as follows:

Add the names: "Barrett, Book, Carmichael, Chandler, Cirelli, Collier, Daniels, C. Evans, Flowers, Hoops, Key, Olman, S. Patton, Schlichter, Setzer, J. Stewart, Webster."

Remove: "Kearns."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

MESSAGE FROM THE SPEAKER

Pursuant to H.Con.R. No. 39, the Speaker hereby appoints the following members to wait upon the Governor in anticipation of his State of the State address:

Representatives Cates, Clancy, Buehrer, Trakas, Peterson, Redfern, Beatty, Miller, Mason.

On motion of Representative Cates, the House adjourned until Wednesday, January 28, 2004 at 12:00 o'clock p.m.

Attest:

LAURA P. CLEMENS,  
Clerk.