

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

WEDNESDAY, MARCH 12, 2003

## TWENTY-SIXTH DAY

Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, March 12, 2003 at 1:30 o'clock p.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Daniel Clow of the West Minster Presbyterian Church in Piqua, 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:

Sister Camilla Mollay and Sister Mary Agnes McMahan, guests of Representative Beatty-27th district.

Kevin Thompson and Jenny Beres, guests of Representative Callender-62nd district.

Andrew and Michael Nemeec, guests of Representative Calvert-69th district.

Dave Holl, a guest of Representative Gibbs-97th district.

Greg Sneary, Ed Kirk, Dennis Shreefer and members of the LCI staff, guests of Representative Willamowski-4th district and Representative Faber-77th district.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 121**-Representatives Schaffer, Husted, Willamowski, Hagan, Fessler, Setzer, Young, Faber, Daniels, DeWine, McGregor, C. Evans, Grendell, Seaver, J. Stewart, D. Evans, Callender, Schmidt, Wilson.

To enact sections 4501.541 and 4503.541 of the Revised Code to create National Rifle Association Foundation license plates and the National Rifle Association Foundation License Plate Fund.

**H. B. No. 122**-Representatives Schaffer, White, Willamowski, Brinkman, Allen, Koziura.

To amend sections 3901.491 and 3901.501 of the Revised Code, Section 2 of Am. Sub. H.B. 71 of the 120th General Assembly, and Section 6 of Am. Sub. S.B. 67 of the 122nd General Assembly to extend the prohibition on certain uses of genetic screening and testing in connection with health care policies, contracts, plans, and agreements, currently scheduled for repeal on February 9, 2004, for ten years.

**H. B. No. 123**-Representatives Domenick, Seaver.

To amend section 101.27 of the Revised Code to decrease the amount of salary received as compensation by members and officers of the General Assembly.

**H. B. No. 124**-Representatives Bocchieri, Carano, Ujvagi, Seitz, Hagan, Cirelli.

To amend section 4505.01 and to enact section 4505.063 of the Revised Code to apply the motor vehicle certificate of title law to trailers and semitrailers that weigh 4,000 pounds or less.

**H. B. No. 125**-Representative Oelslager.

To amend section 2917.04 of the Revised Code to increase the penalty for failure to disperse.

Said bills were considered the first time.

### MOTIONS AND RESOLUTIONS

Representative Peterson moved that majority party members asking leave to be absent or absent the week of Tuesday, March 11, 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 Tuesday, March 11, 2003, 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. 12**-Representatives Aslanides, Cates, Hollister, J. Stewart, Faber, Seitz, Grendell, Willamowski, Blasdel, Book, Buehrer, Callender, Calvert, Carano, Carmichael, Cirelli, Clancy, Collier, Core, Daniels, DeWine, Distel, Domenick, C. Evans, D. Evans, Fessler, Flowers, Gibbs, Gilb, Hagan, Hoops, Husted, Kearns, Latta, Manning, Niehaus, Oelslager, T. Patton, Peterson, Raga, Raussen, Reinhard, Schaffer, Schlichter, Schmidt, Schneider, Seaver, Setzer, Sferra, Taylor, Webster, White, Widener, Wolpert, Young.

To amend sections 1547.69, 2911.21, 2913.02, 2921.13, 2923.12, 2923.121, 2923.122, 2923.123, 2923.13, 2923.16, 2929.14, 2953.32, and 4749.10 and to enact sections 109.731, 311.41, 311.42, 2923.124, 2923.125, 2923.126, 2923.127, 2923.128, 2923.129, 2923.1210, 2923.1211, and 2923.1212 of the Revised Code to authorize county sheriffs to issue licenses to carry concealed handguns to certain persons, to create the offenses of falsification to obtain a

concealed handgun license, falsification of a concealed handgun license, and possessing a revoked or suspended concealed handgun license, to increase the penalty for theft of a firearm and having weapons while under disability, and to maintain the provisions of this act on and after January 1, 2004, by amending the versions of sections 2923.122 and 2929.14 of the Revised Code that take effect on that date, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Brinkman moved to amend as follows:

Delete lines 19 through 3010 and insert:

"**Section 1.** That sections 109.61, 1531.13, 1533.67, 1547.99, 2923.12, 2923.121, and 2923.41 of the Revised Code be amended to read as follows:

**Sec. 109.61.** Each sheriff or chief of police shall furnish the bureau of criminal identification and investigation with descriptions, fingerprints, photographs, and measurements of the following:

(A)(1) Persons arrested who in that sheriff's or chief of police's judgment are wanted for serious offenses, are fugitives from justice, or in whose possession at the time of arrest are found goods or property reasonably believed to have been stolen;

(2) Children arrested or otherwise taken into custody who in that sheriff's or chief of police's judgment are under eighteen years of age and have committed an act that would be a felony or an offense of violence if committed by an adult.

(B) All persons in whose possession are found burglar outfits, burglar tools, or burglar keys, or who have in their possession high power explosives reasonably believed to be intended to be used for unlawful purposes;

(C) Persons who are in possession of infernal machines or other contrivances in whole or in part and reasonably believed by the sheriff or chief of police to be intended to be used for unlawful purposes;

(D) All persons carrying concealed firearms reasonably believed to be carried for unlawful purposes or other deadly weapons reasonably believed to be carried for unlawful purposes;

(E) All persons who have in their possession inks, dies, paper, or other articles necessary in the making of counterfeit bank notes or in the alteration of bank notes, or dies, molds, or other articles necessary in the making of counterfeit money and reasonably believed to be intended to be used by them for those types of unlawful purposes.

**Sec. 1531.13.** The law enforcement officers of the division of wildlife shall be known as "wildlife officers." The chief of the division of wildlife, wildlife officers, and ~~such~~ other employees of the division ~~as~~that the chief of the

division of wildlife designates, and other officers who are given like authority, shall enforce all laws pertaining to the taking, possession, protection, preservation, management, and propagation of wild animals and all division rules. They shall enforce all laws against hunting without permission of the owner or authorized agent of the land on which the hunting is done. They may arrest on view and without issuance of a warrant. They may inspect any container or package at any time except when within a building and the owner or person in charge of the building objects. The inspection shall be only for bag limits of wild animals taken in open season or for wild animals taken during the closed season, or for any kind or species of those wild animals.

The chief may visit all parts of the state and direct and assist wildlife officers and other employees in the discharge of their duties. The owners or tenants of private lands or waters are not liable to wildlife officers for injuries suffered while carrying out their duties while on the lands or waters of the owners or tenants unless the injuries are caused by the willful or wanton misconduct of the owners or tenants. Any regularly employed salaried wildlife officer may enter any private lands or waters if the wildlife officer has good cause to believe and does believe that a law is being violated.

A wildlife officer, sheriff, deputy sheriff, constable, or officer having a similar authority may search any place which the officer has good reason to believe contains a wild animal or any part of a wild animal taken or had in possession contrary to law or division rule, or a boat, gun, net, seine, trap, ferret, or device used in the violation, and seize any the officer finds so taken or possessed. If the owner or person in charge of the place to be searched refuses to permit the search, upon filing an affidavit in accordance with law with a court having jurisdiction of the offense and upon receiving a search warrant issued, the officer forcibly may search the place described, and if in the search the officer finds any wild animal or part of a wild animal, or any boat, gun, net, seine, trap, ferret, or device in the possession of the owner or person in charge, contrary to this chapter or Chapter 1533. of the Revised Code or division rule, the officer shall seize it and arrest the person in whose custody or possession it was found. The wild animal or parts of a wild animal or boat, gun, net, seine, trap, ferret, or device so found shall escheat to the state.

Each wildlife officer shall post a bond in a sum not less than one thousand dollars executed by a surety company authorized to transact business in this state for the faithful performance of the duties of the wildlife officer's office.

The chief and wildlife officers have the authority specified under section 2935.03 of the Revised Code for peace officers of the department of natural resources for the purpose of enforcing the criminal laws of the state on any property owned, controlled, maintained, or administered by the department of natural resources and may enforce sections 2923.12, and 2923.15, ~~and 2923.16~~ of the Revised Code throughout the state and may arrest without warrant any person who, in the presence of the chief or any wildlife officer, is engaged in the violation of any of those laws.

A wildlife officer may render assistance to a state or local law enforcement officer at the request of that officer or may render assistance to a state or local law enforcement officer in the event of an emergency. Wildlife officers serving outside the division of wildlife under this section shall be considered as performing services within their regular employment for the purposes of compensation, pension or indemnity fund rights, workers' compensation, and other rights or benefits to which they may be entitled as incidents of their regular employment.

Wildlife officers serving outside the division of wildlife under this section retain personal immunity from civil liability as specified in section 9.86 of the Revised Code and shall not be considered an employee of a political subdivision for purposes of Chapter 2744. of the Revised Code. A political subdivision that uses wildlife officers under this section is not subject to civil liability under Chapter 2744. of the Revised Code as the result of any action or omission of any wildlife officer acting under this section.

**Sec. 1533.67.** The chief of the division of wildlife, wildlife officers, and other employees of the division that the chief specifies may serve and execute warrants and other processes of law issued in the enforcement of sections 2923.12,~~and 2923.15, and 2923.16~~ of the Revised Code ~~and~~, in the enforcement of any law or division rule governing the taking, possession, protection, preservation, or propagation of wild animals, or for protection against the wrongful use or occupancy of state owned or leased lands and waters, and property under division control, or in the enforcement of section 3767.32 or any other section of the Revised Code prohibiting the dumping of refuse into or along waters, or in the enforcement of a criminal law of the state when violation of it involves equipment or property owned, leased, or controlled by the division, in the same manner as a sheriff or constable may serve or execute a process, and may arrest on sight and without a warrant a person found violating any such law or rule. The chief or any wildlife officer has the same authority as sheriffs to require aid in executing a process or making an arrest. They may seize without process each part of a wild animal in the possession of a person violating any law or division rule governing the taking, possession, protection, preservation, or propagation of wild animals, together with any boat, gun, net, seine, trap, ferret, or device with which those animals were taken or killed, or that was used in taking or killing them, and any firearm, deadly weapon, or dangerous ordnance, as defined in section 2923.11 of the Revised Code, used or possessed contrary to sections 2923.12,~~and 2923.15, and 2923.16~~ of the Revised Code, and immediately convey the person so offending before any judge of a county court or judge of a municipal court having jurisdiction over the area in which the offense was committed.

No person shall interfere with, threaten, abuse, assault, resist, or in any manner deter or attempt to deter a wildlife officer or any other officer having like authority from carrying into effect any law or division rule governing the taking, possession, protection, preservation, or propagation of wild animals, or for protection against wrongful use or occupancy of state-owned or leased lands and

waters, and property under division control, or any law pertaining to the exhibiting of any license or permit required by this chapter or Chapter 1531. of the Revised Code, or regulating hunting and trapping on the lands of another. No person shall interfere with, threaten, abuse, assault, resist, or in any manner deter or attempt to deter a wildlife officer or any other officer having like authority from enforcing or from serving or executing any warrant or other process issued in the enforcement of section 3767.32 or any other section of the Revised Code prohibiting the dumping of refuse into or along waters, or a criminal law of the state when violation of it involves equipment or property owned, leased, or controlled by the division, or any of the provisions set forth in section 2923.12, ~~or 2923.15, or 2923.16~~ of the Revised Code regulating use or possession of firearms, deadly weapons, or dangerous ordnance, as defined in section 2923.11 of the Revised Code. Arrests for such offenses may be made on Sunday, in which case the offender immediately shall be taken before any court or magistrate given jurisdiction in such cases by this section and required by that court or magistrate to give bond for the offender's appearance at a time fixed for hearing of the complaint on a weekday as soon after the arrest is made as is practicable. If a bond is required of an offender in such a case and the offender fails to give it, the court shall order the offender committed to the county jail or to some other suitable place of confinement until the time for the hearing. The court may make any other arrangements to insure the appearance of the offender at the designated time it considers advisable. The jailer or officer in charge of the place of confinement designated by the court shall receive the person so committed.

**Sec. 1547.99.** (A) Whoever violates section 1547.91 of the Revised Code is guilty of a felony of the fourth degree.

(B) Whoever violates section 1547.10, division (I) of section 1547.111, section 1547.13, or section 1547.66 of the Revised Code is guilty of a misdemeanor of the first degree.

(C) Whoever violates a provision of this chapter or a rule adopted thereunder, for which no penalty is otherwise provided, is guilty of a minor misdemeanor.

(D) Whoever violates section 1547.07 or 1547.12 of the Revised Code without causing injury to persons or damage to property is guilty of a misdemeanor of the fourth degree.

(E) Whoever violates section 1547.07 or 1547.12 of the Revised Code causing injury to persons or damage to property is guilty of a misdemeanor of the third degree.

(F) Whoever violates division (M) of section 1547.54, division (G) of section 1547.30, or section 1547.131, 1547.25, 1547.33, 1547.38, 1547.39, 1547.40, 1547.65, ~~1547.69~~, or 1547.92 of the Revised Code or a rule adopted under division (A)(2) of section 1547.52 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(G) Whoever violates section 1547.11 of the Revised Code is guilty of a

misdemeanor of the first degree and shall be punished as provided in division (G)(1), (2), or (3) of this section.

(1) Except as otherwise provided in division (G)(2) or (3) of this section, the court shall sentence the offender to a term of imprisonment of three consecutive days and may sentence the offender pursuant to section 2929.21 of the Revised Code to a longer term of imprisonment. In addition, the court shall impose upon the offender a fine of not less than one hundred fifty nor more than one thousand dollars.

The court may suspend the execution of the mandatory three consecutive days of imprisonment that it is required to impose by division (G)(1) of this section if the court, in lieu of the suspended term of imprisonment, places the offender on probation and requires the offender to attend, for three consecutive days, a drivers' intervention program that is certified pursuant to section 3793.10 of the Revised Code. The court also may suspend the execution of any part of the mandatory three consecutive days of imprisonment that it is required to impose by division (G)(1) of this section if the court places the offender on probation for part of the three consecutive days; requires the offender to attend, for that part of the three consecutive days, a drivers' intervention program that is certified pursuant to section 3793.10 of the Revised Code; and sentences the offender to a term of imprisonment equal to the remainder of the three consecutive days that the offender does not spend attending the drivers' intervention program. The court may require the offender, as a condition of probation, to attend and satisfactorily complete any treatment or education programs, in addition to the required attendance at a drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of probation on the offender that it considers necessary.

(2) If, within five years of the offense, the offender has been convicted of or pleaded guilty to one violation of section 1547.11 of the Revised Code, of a municipal ordinance relating to operating a watercraft or manipulating any water skis, aquaplane, or similar device while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, of a municipal ordinance relating to operating a watercraft or manipulating any water skis, aquaplane, or similar device with a prohibited concentration of alcohol in the blood, breath, or urine, of division (A)(1) of section 2903.06 of the Revised Code, or of division (A)(2), (3), or (4) of section 2903.06 of the Revised Code or former section 2903.06 or 2903.07 of the Revised Code in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the court shall sentence the offender to a term of imprisonment of ten consecutive days and may sentence the offender pursuant to section 2929.21 of the Revised Code to a longer term of imprisonment. In addition, the court shall impose upon the offender a fine of not less than one hundred fifty nor more than one thousand dollars.

In addition to any other sentence that it imposes upon the offender, the



court may require the offender to attend a drivers' intervention program that is certified pursuant to section 3793.10 of the Revised Code.

(3) If, within five years of the offense, the offender has been convicted of or pleaded guilty to more than one violation identified in division (G)(2) of this section, the court shall sentence the offender to a term of imprisonment of thirty consecutive days and may sentence the offender to a longer term of imprisonment of not more than one year. In addition, the court shall impose upon the offender a fine of not less than one hundred fifty nor more than one thousand dollars.

In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to section 3793.10 of the Revised Code.

(4) Upon a showing that imprisonment would seriously affect the ability of an offender sentenced pursuant to division (G)(1), (2), or (3) of this section to continue the offender's employment, the court may authorize that the offender be granted work release from imprisonment after the offender has served the three, ten, or thirty consecutive days of imprisonment that the court is required by division (G)(1), (2), or (3) of this section to impose. No court shall authorize work release from imprisonment during the three, ten, or thirty consecutive days of imprisonment that the court is required by division (G)(1), (2), or (3) of this section to impose. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and the place of imprisonment and the time actually spent under employment.

(5) Notwithstanding any section of the Revised Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of imprisonment, no court shall suspend the ten or thirty consecutive days of imprisonment required to be imposed by division (G)(2) or (3) of this section or place an offender who is sentenced pursuant to division (G)(2) or (3) of this section in any treatment program in lieu of imprisonment until after the offender has served the ten or thirty consecutive days of imprisonment required to be imposed pursuant to division (G)(2) or (3) of this section. Notwithstanding any section of the Revised Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of imprisonment, no court, except as specifically authorized by division (G)(1) of this section, shall suspend the three consecutive days of imprisonment required to be imposed by division (G)(1) of this section or place an offender who is sentenced pursuant to division (G)(1) of this section in any treatment program in lieu of imprisonment until after the offender has served the three consecutive days of imprisonment required to be imposed pursuant to division (G)(1) of this section.

(H) Whoever violates section 1547.304 of the Revised Code is guilty of a misdemeanor of the fourth degree and also shall be assessed any costs incurred by the state or a county, township, municipal corporation, or other political subdivision in disposing of an abandoned junk vessel or outboard motor, less any

money accruing to the state, county, township, municipal corporation, or other political subdivision from that disposal.

(I) Whoever violates division (B) or (C) of section 1547.49 of the Revised Code is guilty of a minor misdemeanor.

(J) Whoever violates section 1547.31 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense. On each subsequent offense, the person is guilty of a misdemeanor of the third degree.

(K) Whoever violates section 1547.05 or 1547.051 of the Revised Code is guilty of a misdemeanor of the fourth degree if the violation is not related to a collision, injury to a person, or damage to property and a misdemeanor of the third degree if the violation is related to a collision, injury to a person, or damage to property.

(L) The sentencing court, in addition to the penalty provided under this section for a violation of this chapter or a rule adopted under it that involves a powercraft powered by more than ten horsepower and that, in the opinion of the court, involves a threat to the safety of persons or property, shall order the offender to complete successfully a boating course approved by the national association of state boating law administrators before the offender is allowed to operate a powercraft powered by more than ten horsepower on the waters in this state. Violation of a court order entered under this division is punishable as contempt under Chapter 2705. of the Revised Code.

**Sec. 2923.12.** (A) No person shall knowingly carry or ~~have possess,~~ concealed on ~~his or her~~the person's person or concealed ready at hand, any ~~deadly weapon or~~ dangerous ordnance.

(B)(1)(a) No person shall knowingly carry or possess, openly or concealed on the person's person or ready at hand, a deadly weapon or dangerous ordnance with the intent to unlawfully cause physical harm to another person.

(b) No person shall knowingly carry or possess, openly or concealed on the person's person or ready at hand, a deadly weapon or dangerous ordnance on the parcel of real property on which is situated a detention facility unless the person has written authorization from the warden, superintendent, or other chief administrative officer of the detention facility to carry or possess the deadly weapon or dangerous ordnance on that parcel of real property.

(2) As used in this section, "detention facility" has the same meaning as in section 2921.01 of the Revised Code.

~~This (C) Division (A) of this~~ section does not apply to officers, agents, or employees of this or any other state or the United States, or to law enforcement officers, authorized to carry concealed weapons or dangerous ordnance, and acting within the scope of their duties.

~~(C) It is an affirmative defense to a charge under this section of carrying or having control of a weapon other than dangerous ordnance, that the actor was~~

~~not otherwise prohibited by law from having the weapon, and that any of the following apply:~~

~~(1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of such character or was necessarily carried on in such manner or at such a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.~~

~~(2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor or a member of the actor's family, or upon the actor's home, such as would justify a prudent person in going armed.~~

~~(3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home.~~

~~(4) The weapon was being transported in a motor vehicle for any lawful purpose, and was not on the actor's person, and, if the weapon was a firearm, was carried in compliance with the applicable requirements of division (C) of section 2923.16 of the Revised Code.~~

~~(D) Whoever violates this section is guilty of aggravated carrying of concealed weapons, a misdemeanor/felony of the first/fourth degree. If the offender previously has been convicted of a violation of this section or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons is a felony of the fourth degree. If the weapon involved is a firearm and the violation of this section is committed at premises for which a D permit has been issued under Chapter 4303. of the Revised Code or if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons is a felony of the third degree.~~

**Sec. 2923.121.** (A) No person shall possess a firearm in any room in which liquor is being dispensed in premises for which a D permit has been issued under Chapter 4303. of the Revised Code.

(B)(1) This section does not apply to officers, agents, or employees of this or any other state or the United States, or to law enforcement officers, authorized to carry firearms, and acting within the scope of their duties.

(2) This section does not apply to any room used for the accommodation of guests of a hotel, as defined in section 4301.01 of the Revised Code.

(3) This section does not prohibit any person who is a member of a veteran's organization, as defined in section 2915.01 of the Revised Code, from possessing a rifle in any room in any premises owned, leased, or otherwise under the control of the veteran's organization, if the rifle is not loaded with live

ammunition and if the person otherwise is not prohibited by law from having the rifle.

(4) This section does not apply to any person possessing or displaying firearms in any room used to exhibit unloaded firearms for sale or trade in a soldiers' memorial established pursuant to Chapter 345. of the Revised Code, in a convention center, or in any other public meeting place, if the person is an exhibitor, trader, purchaser, or seller of firearms and is not otherwise prohibited by law from possessing, trading, purchasing, or selling the firearms.

~~(C) It is an affirmative defense to a charge under this section of illegal possession of a firearm in liquor permit premises, that the actor was~~ This section does not apply to any person not otherwise prohibited by law from having the firearm; and ~~that to whom~~ any of the following apply:

(1) The firearm was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of such character or was necessarily carried on in such manner or at such a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.

(2) The firearm was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in a lawful activity, ~~and had reasonable cause to fear a criminal attack upon the actor or a member of the actor's family, or upon the actor's home, such as would justify a prudent person in going armed.~~

(D) Whoever violates this section is guilty of illegal possession of a firearm in liquor permit premises, a felony of the fifth degree.

**Sec. 2923.41.** As used in sections 2923.41 to 2923.47 of the Revised Code:

(A) "Criminal gang" means an ongoing formal or informal organization, association, or group of three or more persons to which all of the following apply:

(1) It has as one of its primary activities the commission of one or more of the offenses listed in division (B) of this section.

(2) It has a common name or one or more common, identifying signs, symbols, or colors.

(3) The persons in the organization, association, or group individually or collectively engage in or have engaged in a pattern of criminal gang activity.

(B)(1) "Pattern of criminal gang activity" means, subject to division (B)(2) of this section, that persons in the criminal gang have committed, attempted to commit, conspired to commit, been complicitors in the commission of, or solicited, coerced, or intimidated another to commit, attempt to commit, conspire to commit, or be in complicity in the commission of two or more of any of the following offenses:

(a) A felony or an act committed by a juvenile that would be a felony if committed by an adult;

(b) An offense of violence or an act committed by a juvenile that would be an offense of violence if committed by an adult;

(c) A violation of section 2907.04, 2909.06, 2911.211, 2917.04, 2919.23, or 2919.24 of the Revised Code, section 2921.04 or ~~2923.16~~ of the Revised Code, section 2925.03 of the Revised Code if the offense is trafficking in marihuana, or section 2927.12 of the Revised Code.

(2) There is a "pattern of criminal gang activity" if all of the following apply with respect to the offenses that are listed in division (B)(1)(a), (b), or (c) of this section and that persons in the criminal gang committed, attempted to commit, conspired to commit, were in complicity in committing, or solicited, coerced, or intimidated another to commit, attempt to commit, conspire to commit, or be in complicity in committing:

(a) At least one of the two or more offenses is a felony.

(b) At least one of those two or more offenses occurs on or after ~~the effective date of this section~~ January 1, 1999.

(c) The last of those two or more offenses occurs within five years after at least one of those offenses.

(d) The two or more offenses are committed on separate occasions or by two or more persons.

(C) "Criminal conduct" means the commission of, an attempt to commit, a conspiracy to commit, complicity in the commission of, or solicitation, coercion, or intimidation of another to commit, attempt to commit, conspire to commit, or be in complicity in the commission of an offense listed in division (B)(1)(a), (b), or (c) of this section or an act that is committed by a juvenile and that would be an offense, an attempt to commit an offense, a conspiracy to commit an offense, complicity in the commission of, or solicitation, coercion, or intimidation of another to commit, attempt to commit, conspire to commit, or be in complicity in the commission of an offense listed in division (B)(1)(a), (b), or (c) of this section if committed by an adult.

(D) "Juvenile" means a person who is under eighteen years of age.

(E) "Law enforcement agency" includes, but is not limited to, the state board of pharmacy and the office of a prosecutor.

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

(G) "Financial institution" means a bank, credit union, savings and loan association, or a licensee or registrant under Chapter 1321. of the Revised Code.

(H) "Property" includes both of the following:

(1) Real property, including, but not limited to, things growing on, affixed to, and found in the real property;

(2) Tangible and intangible personal property, including, but not limited to, rights, privileges, interests, claims, and securities.

(I) "Firearms" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.

(J) "Computers," "computer networks," "computer systems," and "computer software" have the same meanings as in section 2913.01 of the Revised Code.

(K) "Vehicle" has the same meaning as in section 4501.01 of the Revised Code.

**Section 2.** That existing sections 109.61, 1531.13, 1533.67, 1547.99, 2923.12, 2923.121, and 2923.41 and sections 1547.69 and 2923.16 of the Revised Code are hereby repealed.

**Section 3.** That the version of section 1547.99 of the Revised Code that is scheduled to take effect January 1, 2004, be amended to read as follows:

**Sec. 1547.99.** (A) Whoever violates section 1547.91 of the Revised Code is guilty of a felony of the fourth degree.

(B) Whoever violates section 1547.10, division (I) of section 1547.111, section 1547.13, or section 1547.66 of the Revised Code is guilty of a misdemeanor of the first degree.

(C) Whoever violates a provision of this chapter or a rule adopted thereunder, for which no penalty is otherwise provided, is guilty of a minor misdemeanor.

(D) Whoever violates section 1547.07 or 1547.12 of the Revised Code without causing injury to persons or damage to property is guilty of a misdemeanor of the fourth degree.

(E) Whoever violates section 1547.07 or 1547.12 of the Revised Code causing injury to persons or damage to property is guilty of a misdemeanor of the third degree.

(F) Whoever violates division (M) of section 1547.54, division (G) of section 1547.30, or section 1547.131, 1547.25, 1547.33, 1547.38, 1547.39, 1547.40, 1547.65, ~~1547.69~~, or 1547.92 of the Revised Code or a rule adopted under division (A)(2) of section 1547.52 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(G) Whoever violates section 1547.11 of the Revised Code is guilty of a misdemeanor of the first degree and shall be punished as provided in division (G)(1), (2), or (3) of this section.

(1) Except as otherwise provided in division (G)(2) or (3) of this section,

the court shall sentence the offender to a term of imprisonment of three consecutive days and may sentence the offender pursuant to section 2929.21 of the Revised Code to a longer term of imprisonment. In addition, the court shall impose upon the offender a fine of not less than one hundred fifty nor more than one thousand dollars.

The court may suspend the execution of the mandatory three consecutive days of imprisonment that it is required to impose by division (G)(1) of this section if the court, in lieu of the suspended term of imprisonment, places the offender on probation and requires the offender to attend, for three consecutive days, a drivers' intervention program that is certified pursuant to section 3793.10 of the Revised Code. The court also may suspend the execution of any part of the mandatory three consecutive days of imprisonment that it is required to impose by division (G)(1) of this section if the court places the offender on probation for part of the three consecutive days; requires the offender to attend, for that part of the three consecutive days, a drivers' intervention program that is certified pursuant to section 3793.10 of the Revised Code; and sentences the offender to a term of imprisonment equal to the remainder of the three consecutive days that the offender does not spend attending the drivers' intervention program. The court may require the offender, as a condition of probation, to attend and satisfactorily complete any treatment or education programs, in addition to the required attendance at a drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of probation on the offender that it considers necessary.

(2) If, within six years of the offense, the offender has been convicted of or pleaded guilty to one violation of section 1547.11 of the Revised Code, of a municipal ordinance relating to operating a watercraft or manipulating any water skis, aquaplane, or similar device while under the influence of alcohol, a drug of abuse, or a combination of them, of a municipal ordinance relating to operating a watercraft or manipulating any water skis, aquaplane, or similar device with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine, of division (A)(1) of section 2903.06 of the Revised Code, or of division (A)(2), (3), or (4) of section 2903.06 of the Revised Code or section 2903.06 or 2903.07 of the Revised Code as they existed prior to March 23, 2000, in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them, the court shall sentence the offender to a term of imprisonment of ten consecutive days and may sentence the offender pursuant to section 2929.21 of the Revised Code to a longer term of imprisonment. In addition, the court shall impose upon the offender a fine of not less than one hundred fifty nor more than one thousand dollars.

In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to section 3793.10 of the Revised Code.

(3) If, within six years of the offense, the offender has been convicted of or pleaded guilty to more than one violation identified in division (G)(2) of this section, the court shall sentence the offender to a term of imprisonment of thirty consecutive days and may sentence the offender to a longer term of imprisonment of not more than one year. In addition, the court shall impose upon the offender a fine of not less than one hundred fifty nor more than one thousand dollars.

In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to section 3793.10 of the Revised Code.

(4) Upon a showing that imprisonment would seriously affect the ability of an offender sentenced pursuant to division (G)(1), (2), or (3) of this section to continue the offender's employment, the court may authorize that the offender be granted work release from imprisonment after the offender has served the three, ten, or thirty consecutive days of imprisonment that the court is required by division (G)(1), (2), or (3) of this section to impose. No court shall authorize work release from imprisonment during the three, ten, or thirty consecutive days of imprisonment that the court is required by division (G)(1), (2), or (3) of this section to impose. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and the place of imprisonment and the time actually spent under employment.

(5) Notwithstanding any section of the Revised Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of imprisonment, no court shall suspend the ten or thirty consecutive days of imprisonment required to be imposed by division (G)(2) or (3) of this section or place an offender who is sentenced pursuant to division (G)(2) or (3) of this section in any treatment program in lieu of imprisonment until after the offender has served the ten or thirty consecutive days of imprisonment required to be imposed pursuant to division (G)(2) or (3) of this section. Notwithstanding any section of the Revised Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of imprisonment, no court, except as specifically authorized by division (G)(1) of this section, shall suspend the three consecutive days of imprisonment required to be imposed by division (G)(1) of this section or place an offender who is sentenced pursuant to division (G)(1) of this section in any treatment program in lieu of imprisonment until after the offender has served the three consecutive days of imprisonment required to be imposed pursuant to division (G)(1) of this section.

(H) Whoever violates section 1547.304 of the Revised Code is guilty of a misdemeanor of the fourth degree and also shall be assessed any costs incurred by the state or a county, township, municipal corporation, or other political subdivision in disposing of an abandoned junk vessel or outboard motor, less any money accruing to the state, county, township, municipal corporation, or other political subdivision from that disposal.



(I) Whoever violates division (B) or (C) of section 1547.49 of the Revised Code is guilty of a minor misdemeanor.

(J) Whoever violates section 1547.31 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense. On each subsequent offense, the person is guilty of a misdemeanor of the third degree.

(K) Whoever violates section 1547.05 or 1547.051 of the Revised Code is guilty of a misdemeanor of the fourth degree if the violation is not related to a collision, injury to a person, or damage to property and a misdemeanor of the third degree if the violation is related to a collision, injury to a person, or damage to property.

(L) The sentencing court, in addition to the penalty provided under this section for a violation of this chapter or a rule adopted under it that involves a powercraft powered by more than ten horsepower and that, in the opinion of the court, involves a threat to the safety of persons or property, shall order the offender to complete successfully a boating course approved by the national association of state boating law administrators before the offender is allowed to operate a powercraft powered by more than ten horsepower on the waters in this state. Violation of a court order entered under this division is punishable as contempt under Chapter 2705. of the Revised Code.

**Section 4.** That the existing version of section 1547.99 of the Revised Code that is scheduled to take effect January 1, 2004, is hereby repealed.

**Section 5.** Sections 3 and 4 of this act shall take effect January 1, 2004."

Delete lines 1 through 18 of the title and insert "To amend sections 109.61, 1531.13, 1533.67, 1547.99, 2923.12, 2923.121, and 2923.41 and to repeal sections 1547.69 and 2923.16 of the Revised Code to permit the carrying of concealed weapons and to repeal the offenses of improperly handling firearms in a motor vehicle and improperly handling firearms in a watercraft and to amend the version of section 1547.99 of the Revised Code that is scheduled to take effect January 1, 2004, to continue the provisions of this act on and after that effective date."

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

Representative Seitz moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 77, nays 20, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Boccieri	Book	Brown	Calvert
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DeWine	Distel	Domenick
Driehaus	C. Evans	D. Evans	Flowers
Gibbs	Hagan	Hartnett	Harwood

Hollister	Hoops	Hughes	Husted
Jolivette	Kearns	Kilbane	Koziura
Latta	Mason	McGregor	Miller
Niehaus	Oelsluger	Olman	Otterman
S. Patton	T. Patton	Perry	Peterson
Price	Raga	Rausen	Reinhard
Schlichter	Schmidt	Seitz	Setzer
Sferra	Skindell	G. Smith	S. Smith
D. Stewart	J. Stewart	Strahorn	Taylor
Trakas	Ujvagi	Wagner	Walcher
White	Widener	Widowfield	Willamowski
Williams	Wilson	Wolpert	Yates
			Householder-77.

Those who voted in the negative were: Representatives

Blasdel	Brinkman	Buehrer	Callender
DePiero	Faber	Fessler	Gilb
Grendell	Jerse	Key	Redfern
Reidelbach	Schaffer	Schneider	Seaver
Sykes	Webster	Woodard	Young-20.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 69, nays 28, as follows:

Those who voted in the affirmative were: Representatives

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

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Brinkman
Brown	Chandler	DeBose	DePiero
Driehaus	Jerse	Key	Kilbane
Koziura	Mason	Miller	Otterman

S. Patton	Perry	Price	Skindell
S. Smith	D. Stewart	Strahorn	Sykes
Ujvagi	Widowfield	Woodard	Yates-28.

The bill passed.

Representative Aslanides moved to amend the title as follows:

Add the name: "Hughes."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 87**-Representative Buehrer.

To amend sections 723.52, 723.53, 1547.11, 3704.14, 3704.143, 4501.10, 4503.10, 4503.101, 4503.103, 4503.11, 4503.173, 4503.181, 4503.182, 4503.19, 4503.21, 4503.23, 4503.50, 4503.51, 4503.55, 4503.561, 4503.591, 4503.67, 4503.68, 4503.69, 4503.71, 4503.711, 4503.72, 4503.73, 4503.75, 4505.09, 4506.08, 4507.23, 4511.04, 4511.19, 4511.191, 4511.197, 4513.111, 4513.52, 4513.53, 4549.10, 5501.20, 5501.34, 5501.45, 5502.02, 5517.011, 5517.02, 5525.20, 5531.10, 5543.19, 5575.01, 5735.27, 5735.29, and 5735.291, to enact sections 117.16, 4501.061, 4501.21, 4501.42, 4501.43, 4503.105, 4503.106, 4503.192, 4503.87, 5502.39, and 5543.22, and to repeal sections 4501.20, 4501.22, 4501.29, 4501.30, 4501.311, 4501.32, 4501.33, 4501.39, 4501.40, 4501.41, 4501.61, 4501.71, and 4503.251 of the Revised Code to make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2003, and ending June 30, 2005, to provide authorization and conditions for the operation of those programs, and to amend the versions of sections 1547.11, 4503.10, 4503.11, 4503.182, 4503.19, 4503.21, 4511.19, 4513.111, and 4549.10 of the Revised Code that are scheduled to take effect January 1, 2004, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Buehrer moved to amend as follows:

In lines 8505 and 8512, after "in" insert "Section 1 of".

In lines 13 of the title, delete "4503.87" and insert "4503.86".

The motion was agreed to and the bill so amended.

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

Representative Boccieri moved to amend as follows:

In line 6053, after "received" insert ". but any increase in the motor fuel excise tax imposed by this section that is effective on and after July 1, 2003, shall not apply to diesel fuel".

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

Representative Trakas moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 58, nays 37, as follows:

Those who voted in the affirmative were: Representatives

Buehrer	Callender	Calvert	Carmichael
Cates	Clancy	Collier	Core
Daniels	DeWine	C. Evans	D. Evans
Fessler	Flowers	Gibbs	Gilb
Hagan	Hartnett	Hollister	Hoops
Hughes	Husted	Jolivet	Kearns
Kilbane	Latta	McGregor	Niehaus
Oelslager	Olman	Otterman	T. Patton
Peterson	Raga	Raussen	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seitz	Setzer	G. Smith
J. Stewart	Taylor	Trakas	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Yates			Householder-58.

Those who voted in the negative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brinkman
Brown	Chandler	Cirelli	DeBose
DePiero	Distel	Domenick	Driehaus
Grendell	Harwood	Jerse	Key
Koziura	Mason	Miller	Perry
Price	Redfern	Seaver	Sferra
Skindell	S. Smith	D. Stewart	Strahorn
Sykes	Ujvagi	Wilson	Woodard
			Young-37.

The motion to amend was laid on the table.

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

Representative Brinkman moved to amend as follows:

In lines 28 and 6182, after "3704.143," insert "4115.04,"

Between lines 1295 and 1296, insert:

**"Sec. 4115.04.** (A) Every public authority authorized to contract for or construct with its own forces a public improvement, before advertising for bids or undertaking such construction with its own forces, shall have the director of commerce determine the prevailing rates of wages of mechanics and laborers in accordance with section 4115.05 of the Revised Code for the class of work called for by the public improvement, in the locality where the work is to be performed. Such schedule of wages shall be attached to and made part of the specifications

for the work, and shall be printed on the bidding blanks where the work is done by contract. A copy of the bidding blank shall be filed with the director before such contract is awarded. A minimum rate of wages for common laborers, on work coming under the jurisdiction of the department of transportation, shall be fixed in each county of the state by said department of transportation, in accordance with section 4115.05 of the Revised Code.

(B) Sections 4115.03 to 4115.16 of the Revised Code do not apply to:

(1) Public improvements in any case where the federal government or any of its agencies furnishes by loan or grant all or any part of the funds used in constructing such improvements, provided the federal government or any of its agencies prescribes predetermined minimum wages to be paid to mechanics and laborers employed in the construction of such improvements;

(2) A participant in a work activity, developmental activity, or an alternative work activity under sections 5107.40 to 5107.69 of the Revised Code when a public authority directly uses the labor of the participant to construct a public improvement if the participant is not engaged in paid employment or subsidized employment pursuant to the activity;

(3) Public improvements undertaken by, or under contract for, the board of education of any school district or the governing board of any educational service center;

(4) Public improvements undertaken by, or under contract for, a county hospital operated pursuant to Chapter 339. of the Revised Code if none of the funds used in constructing the improvements are the proceeds of bonds or other obligations which are secured by the full faith and credit of the state, the county, a township, or a municipal corporation and none of the funds used in constructing the improvements, including funds used to repay any amounts borrowed to construct the improvements, are funds that have been appropriated for that purpose by the board of county commissioners, the state, a township, or a municipal corporation from funds generated by the levy of a tax; provided, however, that a county hospital may elect to apply sections 4115.03 to 4115.16 of the Revised Code to a public improvement undertaken by, or under contract for, the county hospital.

(5) Public improvements that use any state funds in constructing, reconstructing, altering, or repairing a road, street, highway, bridge, or alley."

In line 2 of the title, after "3704.143," insert "4115.04,"

Exempts from the Prevailing Wage Law (R.C. Chapter 4115.) the construction of roads, streets, highways, bridges, and alleys paid for with state funds.

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

Representative Redfern moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 74, nays 23, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Boccieri	Book	Brown	Buehrer
Calvert	Carmichael	Cates	Chandler
Cirelli	Clancy	Collier	Daniels
DeBose	DePiero	DeWine	Distel
Domenick	Driehaus	C. Evans	D. Evans
Fessler	Flowers	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Jerse	Jolivette	Kearns	Key
Kilbane	Koziura	Latta	Mason
McGregor	Miller	Oelslager	Olman
Otterman	S. Patton	T. Patton	Perry
Peterson	Price	Raga	Redfern
Schlichter	Schmidt	Seitz	Setzer
Sferra	S. Smith	D. Stewart	J. Stewart
Strahorn	Sykes	Taylor	Trakas
Ujvagi	Wagner	Walcher	Widener
Willamowski	Wilson	Wolpert	Woodard
Yates			Householder-74.

Those who voted in the negative were: Representatives

Blasdel	Brinkman	Callender	Core
Faber	Gibbs	Gilb	Grendell
Husted	Niehaus	Raussen	Reidelbach
Reinhard	Schaffer	Schneider	Seaver
Skindell	G. Smith	Webster	White
Widowfield	Williams		Young-23.

The motion to amend was laid on the table.

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

Representative Gibbs moved to amend as follows:

Between lines 6306 and 6307, insert:

"Section \_\_\_\_\_. That Section 25 of Am. Sub. H.B. 524 of the 124th General Assembly be amended to read as follows:

**Sec. 25.** All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Parks and Recreation Improvement Fund (Fund 035) and derived from the proceeds of obligations heretofore authorized to pay costs of capital facilities, as defined in section 154.01 of the Revised Code, for parks and recreation.

DNR DEPARTMENT OF NATURAL RESOURCES		Reappropriations
CAP-005	Cowan Lake State Park	\$ 51,964
CAP-011	Findley State Park	\$ 22,856

CAP-012	Land Acquisition	\$ 586,825
CAP-016	Hueston Woods State Park	\$ 4,467
CAP-017	Indian Lake State Park	\$ 5,288
CAP-019	Lake Hope State Park	\$ 500
CAP-025	Punderson State Park	\$ 7,763
CAP-026	Pymatuning State Park	\$ 80,000
CAP-051	Buck Creek State Park	\$ 3,050
CAP-064	Geneva State Park	\$ 750
CAP-069	Hocking Hills State Park	\$ 400
CAP-113	East Harbor State Park Shoreline Stabilization	\$ 850,000
CAP-162	Shawnee State Park	\$ 750
CAP-205	Deer Creek State Park	\$ 18,800
CAP-234	State Parks Campgrounds, Lodges, and Cabins	\$ 12,564,460
CAP-331	Park Boat Facilities	\$ 1,061,800
CAP-390	State Park Maintenance Facility Development	\$ 488,801
CAP-701	Buckeye Lake Dam Rehabilitation	\$ 1,033,254
CAP-702	Upgrade Underground Storage Tanks	\$ 1,933,783
CAP-703	Cap Abandoned Water Wells	\$ 250,000
CAP-718	Grand Lake St. Mary's State Park	\$ 157,532
CAP-719	Indian Lake State Park	\$ 11,945
CAP-727	Riverfront Improvements	\$ 1,000,000
CAP-744	Multi-Agency Radio Communication Equipment	\$ 425,000
CAP-748	Local Parks Projects	\$ 1,572,000
CAP-787	Scioto Riverfront Improvements	\$ 7,750,000
CAP-789	Great Miami Riverfront Improvements	\$ 2,000,000
CAP-821	State Park Dredging and Shoreline Protection	\$ 300,000
CAP-827	Cuyahoga Valley Scenic Railroad	\$ 3,716,666
CAP-836	State Parks Renovation/Upgrading	\$ 350
CAP-876	Statewide Trails Program	\$ 1,272,680
CAP-910	Scioto Peninsula Property Acquisition	\$ 4,750,000
CAP-927	Mohican State Park	\$ 50,571
CAP-928	Handicapped Accessibility	\$ 498,089
CAP-929	Hazardous Waste/Asbestos Abatement	\$ 785,978
CAP-931	Wastewater/Water Systems Upgrade	\$ 3,507,391
	Total Department of Natural Resources	\$ 46,703,443
	Total Parks and Recreation Improvement Fund	\$ 46,703,443

#### LOCAL PARKS PROJECTS

The following projects shall be funded from the foregoing reappropriation item CAP-748, Local Parks Projects: \$500,000 for Erie Metro Parks Land Acquisition; \$40,000 for Grove City Fryer Park Improvements; \$12,500 for ~~Big Prairie/Lakeville~~ Berlin Township Park Improvements; \$25,000 for

Holmes County Park Improvements; \$25,000 for Stockport Village Park Improvements; \$50,000 for Silver Park Improvements, \$6,500 for Crossroads Park Improvements; \$38,000 for Wauseon Park Land Acquisition; \$150,000 for Black Swamp Land Acquisition; \$75,000 for the Walbridge Parks Improvements; and \$100,000 by the West Creek Preservation Committee for a West Creek Watershed Project.

#### SCIOTO RIVERFRONT IMPROVEMENTS

Of the foregoing reappropriation item CAP-787, Scioto Riverfront Improvements, \$7,750,000 shall be used for Spring and Long Park.

#### STATEWIDE TRAILS PROGRAM

Of the foregoing reappropriation item CAP-876, Statewide Trails Program, \$50,000 shall be used for the Lake to River Greenway Bike Path in Trumbull County.

#### FEDERAL REIMBURSEMENT

All reimbursements received from the federal government for any expenditures made pursuant to this section shall be deposited in the state treasury to the credit of the Parks and Recreation Improvement Fund.

**Section \_\_\_\_.** That existing Section 25 of Am. Sub. H.B. 524 of the 124th General Assembly is hereby repealed."

In line 19 of the title, after "programs," insert "to amend Section 25 of Am. Sub. H.B. 524 of the 124th General Assembly,".

The motion was agreed to and the bill so amended.

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

The yeas and nays were taken and resulted - yeas 63, nays 34, as follows:

Those who voted in the affirmative were: Representatives

Allen	Barrett	Book	Buehrer
Callender	Calvert	Carmichael	Cates
Clancy	Collier	Core	Daniels
DeWine	C. Evans	D. Evans	Flowers
Gibbs	Hagan	Hartnett	Hollister
Hoops	Husted	Jerse	Jolivette
Kearns	Kilbane	Latta	McGregor
Miller	Niehaus	Oelslager	Olman
Otterman	S. Patton	T. Patton	Peterson
Price	Raga	Raussen	Redfern
Reinhard	Schlichter	Schmidt	Schneider
Seitz	Setzer	G. Smith	J. Stewart
Strahorn	Sykes	Taylor	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Williams	Wolpert
Yates	Young		Householder-63.

Those who voted in the negative were: Representatives



Aslanides	Beatty	Blasdel	Bocchieri
Brinkman	Brown	Chandler	Cirelli
DeBose	DePiero	Distel	Domenick
Driehaus	Faber	Fessler	Gilb
Grendell	Harwood	Hughes	Key
Koziura	Mason	Perry	Reidelbach
Schaffer	Seaver	Sferra	Skindell
S. Smith	D. Stewart	Widowfield	Willamowski
Wilson			Woodard-34.

The bill passed.

Representative Buehrer moved to amend the title as follows:

Add the name: "Setzer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 91**-Representatives Young, Core, Grendell, Calvert.

To amend sections 2305.24, 2305.25, 4121.121, 4121.44, 4123.01, 4123.31, 4123.342, and 4123.80 and to enact sections 4121.021 and 4123.15 of the Revised Code to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2003, and ending June 30, 2005, to authorize and provide conditions that govern the operation of Bureau and Industrial Commission programs, and to authorize an exemption from participation in the workers' compensation insurance program for certain employers and employees based upon religious tenets or beliefs, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

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	Bocchieri	Book	Brinkman
Brown	Buehrer	Callender	Calvert
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	Jolivette	Kearns
Key	Kilbane	Koziura	Latta
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	S. Patton
T. Patton	Perry	Peterson	Price
Raga	Rausen	Redfern	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	Yates	Young	Householder-96.

The bill passed.

Representative Young moved to amend the title as follows:

Add the names: "Beatty, Buehrer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. B. No. 92**-Representatives Young, Core, Grendell, Hoops, Calvert.

To make appropriations for the Industrial Commission for the biennium beginning July 1, 2003, and ending June 30, 2005, and to provide authorization and conditions for the operation of Commission programs, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 97, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brinkman
Brown	Buehrer	Callender	Calvert
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	Jolivette	Kearns
Key	Kilbane	Koziura	Latta
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	S. Patton
T. Patton	Perry	Peterson	Price
Raga	Raussen	Redfern	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
			Householder-97.

The bill passed.

Representative Young moved to amend the title as follows:

Add the name: "Willamowski."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Am. S. J. R. No. 2**-Representatives Cates, Trakas, Peterson, Carmichael, Flowers, Clancy, Key, D. Stewart, Boccieri, DePiero, S. Patton. -Senators Mallory, Prentiss, Jacobson, Brady, Herington, Fedor, Fingerhut, Goodman, Stivers, Dann, Amstutz, Armbruster, Austria, Blessing, Carey, Carnes, Coughlin, DiDonato, Hagan, Harris, Hottinger, Jordan, Miller, Mumper, Nein, Randy Gardner, Robert Gardner, Roberts, Schuler, Schuring, Spada, Wachtmann, White.

Providing for the ratification of the Fourteenth Amendment to the United States Constitution to guarantee equal protection and due process to all persons born or naturalized in the United States, was taken up for consideration the third time.

Representative Cates moved to amend the title as follows:

Add the names: "Householder, Webster, Jolivette, J. Stewart, McGregor, Blasdel, Oelslager, Wolpert, Calvert, Schmidt, White, Walcher, C. Evans, Raussen, Daniels, Schlichter, Setzer, Niehaus, Reinhard, T. Patton, Hoops, Gilb, Latta, Widowfield, D. Evans, Buehrer, Willamowski, Aslanides, Kearns, Schneider, Collier, Olman, Widener, Gibbs, Taylor, Williams, Hollister, G. Smith, DeWine, Husted, Hughes, Raga, Kilbane, Faber, Hagan, Cirelli, Driehaus, Seaver, Woodard, Brown, Skindell, Domenick, Strahorn, Miller, Beatty, Mason, Hartnett, Sykes, Harwood, Distel, Allen, DeBose, Chandler, Barrett, Jerse, Otterman, Koziura, Redfern, Perry, Book, Sferra, S. Smith, Price, Yates, Ujvagi, Carano, Core, Fessler."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

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

The yeas and nays were taken and resulted - yeas 94, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Boccieri	Book	Brown
Buehrer	Calvert	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

Jolivette	Kearns	Key	Kilbane
Koziura	Latta	Mason	McGregor
Miller	Niehaus	Oelslager	Olman
Otterman	S. Patton	T. Patton	Perry
Peterson	Price	Raga	Raussen
Redfern	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			Householder-94.

Representative Brinkman voted in the negative-1.

The joint resolution was adopted.

#### MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 4906.02(A), the Speaker hereby appoints the following members to the Power Siting Board:

Representatives Olman and Driehaus as full members, Representatives Hagan and D. Stewart as alternate members.

#### MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 164.02(A), the Speaker hereby appoints public member William Morgan to the Ohio Public Works Commission.

#### MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 5123.60(D), the Speaker hereby appoints public member Gerald Cohn to the Ohio Legal Rights Service Commission.

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

Attest:

LAURA P. CLEMENS,  
Clerk.