

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, MARCH 26, 2003

THIRTY-SECOND DAY

Hall of the House of Representatives, Columbus, Ohio
Wednesday, March 26, 2003 at 1:30 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by the Reverend Dave Hill of the Georgetown Baptist Church in Georgetown, 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:

Peter Yarrow received a commendation presented by Representative Callender-62nd district.

The Bishop Watterson High School Football team received H. R. No. 371, presented by Representative Hughes-22nd district.

Wendy Blair, Irene Moore, Beverly Riddle, Stanley Borovich, Ed Stringer, and Al Theaker, guests of Representative Wilson-96th district & Representative Domenick-95th district.

Dick Sorg and Nettie Watson, guests of Representative Aslanides-94th district.

Thomas C. Spry, a guest of Representative Fessler-79th district.

Jim Moeller, a guest of Representative Faber-77th district.

Students of The University of Toledo, guests of Representative Ujvagi-49th district.

Julie Winguard, a guest of Representative Perry-47th district, Representative Brown-48th, and Representative Ujvagi-49th district.

Hugh Grief and members of COHIO, guests of Representative Brown-48th district, Representative Perry-49th district, Representative Ujvagi-47th district, and Representative S. Smith-10th district.

Members of the Alliance of Cleveland HUD Tenants, guests of Representative S. Smith-10th district.

Sister Konna Hawk, a guest of Representative S. Smith-10th district.

Students from Notre Dame College, guests of Representative Woodard-9th district.

Robert Papa, a guest of Representative Carano-59th district & Representative S. Patton-60th district.

Jan Pershing, a guest of Representative Olman-46th district.

Students from the University of Rio Grande, guests of Representative C.

Evans-87th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 145-Representatives Buehrer, Aslanides, Brinkman, C. Evans, Fessler, D. Evans, Schaffer, White, Gilb.

To amend section 1306.20 and to enact sections 1306.25, 1306.26, 1306.27, 1306.28, and 1306.29 of the Revised Code to adopt the Electronic Government Services Act to prohibit a government agency from providing duplicative or competing electronic commerce services with the private sector, other than described cable service, unless the government agency complies with procedures established by the Act.

H. B. No. 146-Representatives Schneider, Beatty, Schmidt, Carano, Clancy, DeBose, Flowers, Barrett, Aslanides, Allen, Grendell, Boccieri, Hollister, Cirelli, Hughes, Brown, Brinkman, DePiero, Husted, Distel, Jolivette, Hartnett, Kearns, Domenick, Driehaus, Kilbane, Harwood, Jerse, McGregor, Key, Koziura, Oelslager, Mason, Miller, Olman, Otterman, T. Patton, S. Patton, Peterson, Perry, Price, Schlichter, Redfern, Seaver, Seitz, S. Smith, Setzer, Skindell, D. Stewart, Webster, Sferra, Strahorn, Trakas, Ujvagi, White, Wilson, Williams, Woodard, Young, Yates.

To enact sections 1751.69, 3923.71, and 3923.72 of the Revised Code to require certain health care policies, contracts, agreements, and plans to provide benefits for equipment, supplies, and medication for the diagnosis, treatment, and management of diabetes and for diabetes self-management education.

H. B. No. 147-Representatives Miller, Allen, Ujvagi, Barrett, Sykes, Beatty, Skindell, Redfern, D. Stewart.

To amend sections 4112.01, 4112.02, 4112.021, 4112.04, 4112.05, and 4112.08 of the Revised Code to prohibit discrimination on the basis of sexual orientation.

H. B. No. 148-Representative Grendell.

To amend sections 507.03 and 507.04 of the Revised Code to require that the township clerk personally attend meetings of the board of township trustees, to set a minimum amount for the township clerk's bond, and to require that township records be kept at the township hall or the board's meeting place.

Said bills were considered the first time.

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

Representative Book submitted the following report:

The standing committee on Civil and Commercial Law to which was referred **H. B. No. 72**-Representative Oelslager, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: MENTAL HEALTH TREATMENT DECLARATION - PERMIT

Representative Seitz moved to amend the title as follows:

Add the names: "Latta, Book, Harwood, Core, Willamowski, Schlichter, Beatty."

Representative Seitz moved to amend as follows:

In line 266, delete "A" and insert "Except as otherwise provided in this division and subject to division (C) of this section, a".

In line 267, after "and" delete the balance of the line and insert "effectively".

In line 268, delete everything before "for".

In line 269, after the underlined period insert "A declaration for mental health treatment may become operative as provided in section 2135.04 of the Revised Code."

In line 279, delete "expires" and insert "may be renewed as provided in division (C) (1) of this section or remains effective as provided in division (C)(2) of this section".

In lines 282 and 287, after "(C)" insert "(1)".

In line 289, delete "renewed execution" and insert "renewal".

In line 290, after "Code" insert ", if the declarant has included in the declaration a specific authorization for the use of continuation, or the withholding or withdrawal, of mental health treatment, and the declarant makes no change with respect to that authorization".

In line 292, delete "this"; after "division" insert "(C)(1) of this section".

Between lines 292 and 298, insert:

"(2) A declaration for mental health treatment that has not become operative at the expiration of three years after its execution remains effective if both of the following apply:

(a) The declaration designates a proxy or an alternate proxy.

(b) The declarant does not include in the declaration a specific authorization for the use or continuation, or the withholding or withdrawal, of mental health treatment."

TIMOTHY J. GRENDALL
WILLIAM J. SEITZ
JOHN SCHLICHTER
JOHN R. WILLAMOWSKI
ROBERT E. LATTA

TONY CORE
TODD BOOK
SANDRA STABILE HARWOOD
JOYCE BEATTY
LANCE T. MASON

The report was agreed to.

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

Representative Book submitted the following report:

The standing committee on Civil and Commercial Law to which was referred **H. B. No. 7**-Representative Taylor, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CORPORATE ACCOUNTABILITY

Representative Seitz moved to amend the title as follows:

Add the names: "Seitz, Harwood, Willamowski, Schlichter."

WILLIAM J. SEITZ
TONY CORE
ROBERT E. LATTA
JOHN R. WILLAMOWSKI
TIMOTHY J. GRENDALL

JOHN SCHLICHTER
TODD BOOK
SANDRA STABILE HARWOOD
JOYCE BEATTY
LANCE T. MASON

The report was agreed to.

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

Representative Cirelli submitted the following report:

The standing committee on Health to which was referred **H. C. R. No. 6**-Representative Reidelbach, et al., having had the same under consideration, reports it back and recommends its passage.

RE: PROHIBIT HUMAN CLONING-MEMORIALIZE CONGRESS

Representative Jolivette moved to amend the title as follows:

Add the names: "Kearns, Cirelli, Hollister, Schneider, Harwood, Taylor, White, Hoops, Jolivette."

JAMES M. HOOPS
GREGORY JOLIVETTE
JOHN J. WHITE
TYRONE K. YATES
MARY TAYLOR
SHIRLEY A. SMITH
SANDRA STABILE HARWOOD

NANCY P. HOLLISTER
MARY M. CIRELLI
JOYCE BEATTY
DIANA M. FESSLER
LINDA REIDELBACH
LYNN E. OLMAN
CATHERINE L. BARRETT

MERLE GRACE KEARNS
MICHELLE G. SCHNEIDER

MICHAEL DEBOSE
CHARLES R. BLASDEL

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

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

H. R. No. 46-Speaker Householder, et al.

IN MEMORY OF JOHN G. GARCIA

The motion was agreed to.

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

H. R. No. 46 -Speaker Householder Representatives Olman, 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, Jolivette, Kearns, Key, Kilbane, Koziura, Latta, Mason, McGregor, Miller, Niehaus, Oelslager, 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.

In memory of John G. Garcia.

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

WHEREAS, John Garcia 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. Taking up boxing as a youth, he won the 1949 Toledo Golden Gloves and 1949-50 Amateur Athletic Union titles in the featherweight division, and he later coached boxing for Local 9 of the Glassworkers Union and Local 12 of the UAW-CIO. A supervisor with the Libbey-Owens-Ford Glass Company from 1948 to 1989, he became the first Hispanic American to be elected to the Ohio House of Representatives in 1994, and during his two terms in office, he authored legislation to strengthen penalties for children in gangs and helped secure state funding to keep the Jeep plant in Toledo. In addition, he was active with the

Ohio Republican Hispanic Assembly, the Ohio Commission on Hispanic and Latino Affairs, the Governor's Council on People with Disabilities, the Ohio Boxing Commission, the Toledo Urban Renewal Advisory Committee, the East Toledo Family Center, Point Place Business Association, Yondota Masonic Lodge, Eagles Aerie 197, and Euclid Methodist Church; and

WHEREAS, John Garcia's regard for improving the quality of life in our society was clearly evident in his personal sacrifices of time and effort to 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, A loving husband to his wife, Dolores, a devoted father to his five children, Tom, John, Bruce, Gay, and Sue, and the proud grandfather of eleven grandchildren and ten great-grandchildren, John Garcia always used his talents to the benefit of others, and the laurels of his life stand as a tribute not only to him, but also to those he left behind. 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. The world is a richer place for his having been in it, and he will be truly 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, wish to express a profound sense of loss and sincere regret at the death of John G. Garcia 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 John G. Garcia.

The resolution was adopted.

BILLS FOR THIRD CONSIDERATION

Am. S. B. No. 12-Senators Randy Gardner, Robert Gardner, Harris, Mumper, Prentiss, Amstutz, Schuring, Stivers. -Representatives Hoops, Kearns, Taylor, Hartnett.

To amend section 3314.02 of the Revised Code to remove the prohibition on establishing a conversion community school as an Internet- or computer-based community school; to permit school districts and nonpublic schools to count any hours or partial hours after March 1, 2003, that schools are in session beyond the number of hours required by minimum standards, in order to make up "calamity days" missed due to hazardous weather conditions in excess of the sum of the number of days permitted by law and the number of days specified in their contingency plans; and to declare an emergency, was taken up for consideration the third time.

The question being, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted - yeas 84, nays 12, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Book	Brown	Calvert
Carano	Carmichael	Cates	Chandler
Cirelli	Clancy	Collier	Core
DeBose	DeWine	Distel	Domenick
Driehaus	C. Evans	D. Evans	Faber
Flowers	Gibbs	Gilb	Grendell
Hagan	Hartnett	Harwood	Hollister
Hoops	Hughes	Husted	Jerse
Jolivette	Kearns	Key	Kilbane
Koziura	Latta	McGregor	Miller
Niehaus	Oelsluger	Olman	Otterman
T. Patton	Perry	Peterson	Price
Raga	Raussen	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seaver	Seitz	Setzer	Sferra
Skindell	G. Smith	J. Stewart	Strahorn
Sykes	Taylor	Trakas	Ujvagi
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Wilson
Wolpert	Woodard	Yates	Householder-84.

Those who voted in the negative were: Representatives

Brinkman	Buehrer	Callender	DePiero
Fessler	Mason	S. Patton	Redfern
S. Smith	D. Stewart	Williams	Young-12.

Having received a constitutional majority, the emergency clause stood as part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 94, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Book	Brown	Buehrer
Callender	Calvert	Carano	Carmichael
Cates	Chandler	Cirelli	Clancy
Collier	Core	DeBose	DePiero
DeWine	Distel	Domenick	Driehaus
C. Evans	D. Evans	Faber	Flowers
Gibbs	Gilb	Grendell	Hagan
Hartnett	Harwood	Hollister	Hoops
Hughes	Husted	Jerse	Jolivette
Kearns	Key	Kilbane	Koziura
Latta	Mason	McGregor	Miller
Niehaus	Oelsluger	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-94.

Representatives Brinkman and Fessler voted in the negative-2.

The bill having received the required constitutional majority, passed as an emergency measure.

Representative Setzer moved to amend the title as follows:

Add the names: "Book, Niehaus, T. Patton, Setzer, J. Stewart."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Cates, the House recessed.

The House met pursuant to recess.

Representative Cates moved that the House revert to the fourth order of business, being Reports of conference committees.

The motion was agreed to.

REPORTS OF CONFERENCE COMMITTEES

Representative Cates moved that House rule No. 67, pertaining to the filing of the conference committee reports, be suspended and that the report of the committee of Conference on **Am. Sub. H. B. No. 87**-Representative Buehrer, et al., be taken up for immediate consideration.

The motion was agreed to.

Representative Calvert submitted the following report:

The Committee of Conference, to which the matters of difference between the two houses were referred on **Am. Sub. H. B. No. 87**-Representative Buehrer, et al., having had the same under consideration, recommends to the respective houses as follows:

In line 32, delete "4503.40, 4503.42,".

In line 34, delete "4508.08,".

Between lines 1165 and 1166, insert:

"(6) Notwithstanding division (F) (4) of this section and any contract entered into under this section prior to the effective date of this amendment, a

motor vehicle, the legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser as defined in section 4517.01 of the Revised Code, is exempt from the inspection requirements of this section and rules adopted under it for a period of five years commencing on the date when the first certificate of title to the vehicle was issued on behalf of the ultimate purchaser under Chapter 4503. of the Revised Code. A motor vehicle that is exempt from the motor vehicle inspection and maintenance program for a period of five years under this division remains exempt during that five-year period regardless of whether legal title to the motor vehicle is transferred during that period. Division (F) (6) of this section applies to motor vehicles that are subject to a motor vehicle inspection and maintenance program conducted in accordance with a contract entered into under this section prior to the effective date of this amendment. Division (F) (4) of this section shall have no legal effect on and after the effective date of this amendment."

In line 1864, delete "division (E) of section 4503.042 or".

In line 1865, delete ", as applicable,".

In line 1918, after "pay" insert "one and one-half times".

Delete lines 2171 through 2209.

Delete lines 3207 through 3250.

In lines 5993 and 5999, delete "July 1, 2003" and insert "August 15, 2004".

In lines 5994, 6000, and 6008, after "be" insert "annually".

In line 6006, delete "July".

In line 6007, delete "1, 2003" and insert "August 15, 2004".

In line 6123, after "townships" insert ", as determined annually by the department of transportation,".

In line 6126, after "townships" insert ", as determined annually by the records of the bureau of motor vehicles".

Delete lines 6127 through 6137 and insert:

"Beginning on August 15, 2003, the tax levied by section 5735.29 of the Revised Code shall be partially allocated to provide funding for townships. Each township shall receive the greater of the following two calculations:

(i) The total statewide amount credited to townships under division (A) of section 5735.291 of the Revised Code divided by the number of townships in the state at the time of the calculation;

(ii) Seventy per cent of the formula amount for that township.

(c) The total difference between the amount of money credited to townships under division (A) of section 5735.291 of the Revised Code and the total amount of money required to make all the payments specified in division

(A)(5)(b) of this section shall be deducted, in accordance with division (B) of section 5735.291 of the Revised Code, from the revenues resulting from the tax levied pursuant to section 5735.29 of the Revised Code prior to crediting portions of such revenues to counties, municipal corporations, and the highway operating fund."

In line 6138, delete "(c)" and insert "(d)".

In line 6287, after "be" insert "combined with twenty per cent of any amounts transferred from the highway operating fund to the gasoline excise tax fund through biennial appropriations acts of the general assembly pursuant to the planned phase-in of a new source of funding for the state highway patrol and shall be".

In line 6288, after "(A)(5)" insert "(b)".

In line 6311, delete everything after "(1)" and insert "Effective August 15, 2003, prior to the distribution from the gasoline excise tax fund to municipal corporations of the forty-two and eighty-six hundredths per cent of the specified portion as provided in division (A) of this section, the department of taxation shall deduct thirty-three and one-third per cent of the amount specified in division (A)(5)(c) of section 5735.27 of the Revised Code and use it for distribution to townships pursuant to division (A)(5)(b) of that section.

(2) Effective August 15, 2003, prior to the distribution from the gasoline excise tax fund to counties of the thirty-seven and fourteen hundredths per cent of the specified portion as provided in division (A) of this section, the department of taxation shall deduct thirty-three and one-third per cent of the amount specified in division (A)(5)(c) of section 5735.27 of the Revised Code and use it for distribution to townships pursuant to division (A)(5)(b) of that section.

(3) Effective August 15, 2003, prior to crediting an revenue resulting from the tax levied by section 5735.29 of the Revised Code to the highway operating fund, the department of taxation shall deduct thirty-three and one-third per cent of the amount specified in division (A)(5)(c) of section 5735.27 of the Revised Code and use it for distribution to townships pursuant to division (A)(5)(b) of that section."

Delete lines 6312 through 6374.

In line 6406, delete "4503.40, 4503.42,".

In line 6408, delete "4508.08".

In line 7766, delete "2004" and insert "2005".

Delete lines 7772 through 7787.

In line 7807, delete "\$482,556,689 \$444,301,790" and insert "485,577,430 \$442,367,300".

In line 7815, delete "\$1,413,863,389 "1,366,156,890" and insert "\$1,416,884,130 \$1,364,222,400".

In line 7825, delete "\$1,675,363,389 \$1,629,156,890" and insert "\$1,678,384,130 \$1,627,222,400".

In lines 7848 and 7849, delete "\$675,000" and insert "1,000,000".

In line 7851, delete "\$15,675,000" and insert "\$16,000,000".

In line 7880, delete "\$2,040,662,939 \$2,017,610,890" and insert "\$2,043,683,680 \$2,015,676,400".

In line 7886, delete "\$680,000" and insert "\$1,005,000".

In line 7887, delete "\$2,301,342,939 \$2,277,615,890" and insert "\$2,304,688,680 \$2,275,681,400".

In line 8065, delete "\$675,000" and insert "\$1,000,000".

In line 8100, delete everything after the period.

Delete line 8101.

In line 8102, delete everything before "The".

In line 8157, after the period insert "The Department of Transportation shall hold the contract with the neutral third party entity, and the contract shall be subject to Controlling Board approval under division (C) (8) of section 5526.01 of the Revised Code."

In line 8192, after the period insert "The council shall select the neutral third party entity and shall determine the scope of the study not later than September 1, 2003."

In line 8193, after "days" insert "to direct and monitor the work of the neutral third party entity, including responding to any questions raised by the neutral third party entity."

In line 8197, after the period insert "The advisory council shall allow a comment period of not less than 30 days before a final report is issued."

In line 8286, delete "\$212,806,193 \$221,449,111" and insert "\$208,447,118 \$217,516,933".

In line 8300, delete "\$254,051,365 \$263,112,680" and insert "\$249,692,290 \$259,180,502".

In line 8306, delete "\$254,283,519 \$263,349,890" and insert "\$249,924,444 \$259,417,712".

In line 8465, delete "\$437,621,492 \$453,231,076" and insert "\$433,262,417 \$449,298,898".

In line 8477, delete "\$595,849,407 \$609,721,356" and insert "\$591,490,332 \$605,789,178".

In line 8499, after "in" insert "eleven".

In line 8500, delete "monthly"; delete "in fiscal year" and insert "from August 15, 2003, through June 30,"; after "2004" insert a comma.

In line 8501, after "\$94,359,250" insert "in equal monthly increments".

In line 8513, after "(A) (5)" insert "(b)".

Delete line 8552.

In line 8553, delete "\$250,000 in each fiscal year of the biennium".

In line 8556, delete "Lorain,".

In line 8557, delete "Montgomery,".

In line 8614, delete "had" and insert "have".

In line 8615, delete "and" and insert "or other".

In line 8618, delete "timber".

In line 8619, delete "salvage and"; delete "and agreement" and insert "that is authorized under division (A) of this section".

In line 8625, delete "state forest fund" and insert "State Forest Fund".

In line 8627, delete "The" and insert "That portion of".

In line 8631, after the period insert "The remaining seventy per cent of the moneys received shall be credited to the State Forest Fund for distribution under division (D) of this section."

In line 8660, after "credit" insert "and allocate".

In line 8661, delete "proportion" and insert "portion of moneys from the sale"; delete "as it applies in" and insert "in accordance with".

In line 8662, delete "undamaged proportion" and insert "Chief"; delete "be".

In line 8663, delete "allocated according to" and insert "credit and allocate the portion of moneys from the sale of damaged timber in accordance with".

In line 9037, delete "seven" and insert "eight".

In line 9048, after "Development" insert ";

(6) One member appointed by the Chairperson of the Ohio Air Quality Development Authority".

In line 3 of the title, delete "4503.40, 4503.42,".

In line 7 of the title, delete "4508.08,".

Managers on the Part of the
House of Representatives
CHARLES E. CALVERT
STEPHEN BUEHRER

Managers on the Part of the
Senate
BILL HARRIS
JEFFRY ARMBRUSTER

EDWARD JERSE

MARK MALLORY

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

The yeas and nays were taken and resulted - yeas 62, nays 34, as follows:

Those who voted in the affirmative were: Representatives

Allen	Barrett	Book	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Clancy	Collier
Core	DeWine	C. Evans	D. Evans
Flowers	Gibbs	Hagan	Hartnett
Hollister	Hoops	Husted	Jerse
Jolivet	Kearns	Kilbane	Latta
McGregor	Miller	Niehaus	Oelslager
Olman	Otterman	S. Patton	T. Patton
Peterson	Price	Raga	Rausen
Redfern	Reinhard	Schlichter	Schmidt
Schneider	Seitz	Setzer	G. Smith
S. Smith	J. Stewart	Strahorn	Sykes
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Wolpert
Yates			Householder-62.

Those who voted in the negative were: Representatives

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

The report of the committee of Conference was agreed to.

MOTIONS AND RESOLUTIONS

Representative Trakas moved that majority party members asking leave to be absent or absent the week of Tuesday, March 25, 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 25, 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

H. B. No. 90-Representatives Kearns, McGregor, Olman, Fessler, Hagan, Reidelbach, Jolivette, Woodard, J. Stewart, Webster, Flowers, Taylor, Seitz, Clancy, Setzer, Oelslager, Hollister, Collier, Williams, Grendell, Cates, Trakas, Reinhard, Carmichael.

To amend sections 511.27, 1545.21, 1901.07, 3501.01, 3501.02, 3501.17, 3503.16, 3505.01, 3505.32, 3509.01, 3509.03, 3509.05, 3511.02, 3511.04, 3511.11, 3513.01, 3513.05, 3513.12, 3513.121, 3513.151, 3513.262, 3513.30, 3517.10, 3517.106, 3517.11, and 5705.23 of the Revised Code to change the day of the primary election to the first Tuesday after the first Monday in May in each year and to change the date after which certain General Assembly candidates must file their campaign finance statements by electronic means of transmission from March 1, 2004, to May 1, 2004, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Driehaus moved to amend as follows:

In line 16, delete "3517.10, 3517.106, 3517.11,".

In line 1568, delete " 2004 " and insert " 2008 ".

Delete lines 1939 through 3239.

In line 3344, delete "3517.10, 3517.106,".

In line 3345, delete "3517.11,".

After line 3345, insert:

" **Section 3** . Sections 1 and 2 of this act shall take effect January 1, 2005."

In line 5 of the title, delete "3517.10, 3517.106,".

In line 6 of the title, delete "3517.11, "; after "change" insert ",effective January 1, 2005,".

Delete lines 9 through 11 of the title.

In line 12 of the title, delete everything before the period.

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

The yeas and nays were taken and resulted - yeas 37, nays 59, as follows:

Those who voted in the affirmative were: Representatives

Allen	Barrett	Beatty	Book
Brown	Carano	Chandler	Cirelli
DeBose	DePiero	Distel	Domenick
Driehaus	Fessler	Hartnett	Harwood
Jerse	Key	Koziura	Mason
Miller	Otterman	S. Patton	Perry
Price	Redfern	Seaver	Sferra
Skindell	S. Smith	D. Stewart	Strahorn
Sykes	Ujvagi	Wilson	Woodard

Yates-37.

Those who voted in the negative were: Representatives

Aslanides	Blasdel	Brinkman	Buehrer
Callender	Calvert	Carmichael	Cates
Clancy	Collier	Core	DeWine
C. Evans	D. Evans	Faber	Flowers
Gibbs	Gilb	Grendell	Hagan
Hollister	Hoops	Hughes	Husted
Jolivette	Kearns	Kilbane	Latta
McGregor	Niehaus	Oelslager	Olman
T. Patton	Peterson	Raga	Rausen
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seitz	Setzer
G. Smith	J. Stewart	Taylor	Trakas
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Young		Householder-59.

The motion was not agreed to.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 59, nays 37, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Brinkman	Buehrer
Callender	Calvert	Carmichael	Cates
Clancy	Collier	Core	DeWine
C. Evans	D. Evans	Faber	Fessler
Flowers	Gibbs	Gilb	Grendell
Hagan	Hollister	Hoops	Hughes
Husted	Jolivette	Kearns	Kilbane
Latta	McGregor	Niehaus	Oelslager
Olman	T. Patton	Peterson	Raga
Rausen	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seitz
Setzer	G. Smith	J. Stewart	Taylor
Trakas	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Young		Householder-59.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Book
Brown	Carano	Chandler	Cirelli
DeBose	DePiero	Distel	Domenick
Driehaus	Hartnett	Harwood	Jerse
Key	Koziura	Mason	Miller
Otterman	S. Patton	Perry	Price
Redfern	Seaver	Sferra	Skindell
S. Smith	D. Stewart	Strahorn	Sykes
Ujvagi	Wagner	Wilson	Woodard

Yates-37.

The bill passed.

Representative Kearns moved to amend the title as follows:

Add the names: "Buehrer, Niehaus, Walcher, Wolpert."

Remove: "Woodard."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has passed the following bills in which the concurrence of the House is requested:

Sub. S. B. No. 9 - Senators Coughlin, Hottinger, Harris, Mumper, Carnes, Randy Gardner, Goodman, Amstutz, Carey.

To amend section 325.32 and to enact section 311.171 of the Revised Code to permit a sheriff to charge a fee to register, register a change of residence address of, or verify a residence address of an adult offender who is required to register under the Sex Offender Registration and Notification Law.

Sub. S. B. No. 35 - Senators Nein, Mumper, Spada, Blessing, Miller, Dann, Fingerhut, Prentiss, Robert Gardner.

To amend sections 4755.40 and 4755.48 and to enact section 4755.481 of the Revised Code to permit, under certain circumstances, the practice of physical therapy other than pursuant to the prescription or referral of a physician, dentist, podiatrist, or chiropractor.

Attest:

MATTHEW T. SCHULER,
Clerk.

Said bills were considered the first time.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the House amendments to:

Am. S. B. No. 12 - Senator Randy Gardner, et al.

Attest: MATTHEW T. SCHULER,
Clerk.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has agreed to the report of the Committee of Conference on matters of difference between the two houses on **Am. Sub. H. B. No. 87** - Representative Buehrer, et al.

Attest: MATTHEW T. SCHULER,
Clerk.

On motion of Representative Cates, the House adjourned until Thursday, March 27, 2003 at 11:00 o'clock a.m.

Attest: LAURA P. CLEMENS,
Clerk.