

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, APRIL 20, 2004

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

The House met pursuant to adjournment.

Prayer was offered by Pastor James Lewis of the Harvest Baptist Temple in Clyde, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of the previous legislative day was read and approved.

The following guests of the House of Representatives were recognized by Speaker Householder prior to the commencement of business:

The Mount Notre Dame High School girls basketball and golf teams received H.R. 208 and 222, respectively, presented by Representative Raussen-28th district.

The Wilmington College women's basketball team received H.R. 211, presented by Representative Daniels-86th district.

Emily Herring received H.R. 213, presented by Representative Daniels-86th district.

Lauren Kiss, a guest of Representative Trakas-17th district.

Eric Grey, a guest of Representative Faber-77th district.

Trey Spicer, a guest of Representative Aslanides-94th district.

Angela Hatfield, a guest of Representative Wilson-96th district.

### INTRODUCTION OF BILLS

The following bills were introduced:

**H. B. No. 464**-Representative Taylor.

To enact section 3734.576 of the Revised Code to authorize a solid waste management district to exempt automotive shredder residue from the district's generation fee.

**H. B. No. 465**-Representatives Wolpert, D. Evans, Flowers, Setzer, Webster, Allen, Ujvagi.

To amend sections 715.27, 3781.102, 3951.04, 3951.99, 4740.01 to 4740.06, 4740.10, 4740.12, and 4740.13 of the Revised Code to license residential roofers and siders with the Ohio Construction Industry Examining Board and to prohibit residential roofers and siders from acting as public insurance adjusters or negotiating claims for an insured.

**H. B. No. 466**-Representatives J. Stewart, Aslanides, Buehrer, Latta, Miller, Schaffer.

To amend sections 3705.23, 3705.24, and 3709.09 of the Revised Code to provide for the availability of uncertified copies of vital records, to establish the fee for certified copies of vital records and birth certificates in most circumstances, and to eliminate the additional five-dollar fee for certified copies of vital records and birth certificates.

**H. B. No. 467**-Representatives Hughes, Aslanides, Latta, Trakas, Peterson, Flowers, Callender, Gilb, S. Patton, G. Smith, Gibbs, T. Patton, Sferra, Carano, Wilson, Willamowski, Schmidt, Kearns, Young.

To amend section 5709.17 of the Revised Code to exempt from taxation real property held or occupied by fraternal organizations that qualify for tax exemption under the Internal Revenue Code.

Said bills were considered the first time.

#### CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 243**-Representative Raussen, et al., were taken up for consideration.

**Sub. H. B. No. 243**-Representatives Raussen, Buehrer, Hollister, Reidelbach, S. Patton, Barrett, McGregor, Kearns, Willamowski, Gibbs, Fessler, Allen, Beatty, Carano, Carmichael, Chandler, Clancy, Collier, Daniels, DeBose, DeGeeter, Domenick, Driehaus, C. Evans, Flowers, Gilb, Grendell, Hagan, Harwood, Hoops, Hughes, Jolivette, Key, Kilbane, Niehaus, Otterman, T. Patton, Price, Schlichter, Schmidt, Schneider, Seitz, S. Smith, D. Stewart, J. Stewart, Strahorn, Taylor, Ujvagi, Widener, Wolpert, Woodard, Yates. -Senators Spada, Nein, Prentiss, Roberts, Schuler.

To amend sections 3901.043, 3901.51, 3905.24, and 3915.073, to enact section 3905.422, and to repeal sections 3957.01, 3957.02, 3957.03, 3957.04, 3957.05, 3957.06, 3957.07, 3957.08, 3957.09, 3957.10, 3957.11, 3957.12, 3957.13, 3957.14, 3957.15, 3957.16, 3957.17, 3957.18, 3957.19, and 3957.99 of the Revised Code to regulate the sale of home service contracts as consumer transactions rather than as the sale of insurance.

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

04/20/04

The Honorable Larry Householder, Speaker  
The Ohio House of Representatives  
Columbus, Ohio

Speaker Householder,

Pursuant to House Rule No. 56, I respectfully request that I be excused from voting on **Sub. H. B. No. 243**-Representative Raussen, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/S/ KEITH L. FABER

KEITH L. FABER  
State Representative  
77th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 92, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Book	Brinkman	Brown
Buehrer	Calvert	Carano	Carmichael
Cates	Chandler	Cirelli	Clancy
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Domenick	Driehaus	Evans C.	Evans D.
Fessler	Flowers	Gibbs	Gilb
Grendell	Hagan	Hartnett	Hollister
Hoops	Hughes	Husted	Jerse
Kearns	Key	Kilbane	Koziura
Latta	Martin	Mason	McGregor
Miller	Oelslager	Olman	Otterman
Patton S.	Patton T.	Perry	Peterson
Price	Raga	Raussen	Redfern
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seaver	Seitz
Setzer	Sferra	Skindell	Slaby
Smith G.	Stewart D.	Stewart J.	Strahorn
Sykes	Taylor	Trakas	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Wilson	Wolpert
Woodard	Yates	Young	Householder-92.

The Senate amendments were concurred in.

### MOTIONS AND RESOLUTIONS

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

**H.R. No. 194 - Speaker Householder, Representatives Redfern, Allen, Aslanides, Barrett, Beatty, Blasdel, Boccieri, Book, Brinkman, Brown, Buehrer, Callender, Calvert, Carano, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Combs, Core, Daniels, DeBose, DeGeeter, DeWine, Distel, Domenick, Driehaus, C. Evans, D. Evans, Faber, Fessler, Flowers, Gibbs, Gilb, Grendell, Hagan, Hartnett, Harwood, Hollister, Hoops, Hughes, Husted, Jerse, Kearns, Key, Kilbane, Koziura, Latta, Martin, Mason, McGregor, Miller, Niehaus, Oelslager, Olman, Otterman, S. Patton, T. Patton, Perry, Peterson, Price, Raga, Raussen, Reidelbach, Reinhard, Schaffer, Schlichter, Schmidt, Schneider, Seaver, Seitz, Setzer, Sferra, Skindell, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Sykes, Taylor, Trakas, Ujvagi, Wagner, Walcher, Webster, White, Widener, Widowfield, Willamowski, Williams, Wilson, Wolpert, Woodard, Yates, Young**

IN MEMORY OF BARRY LEVEY

/s/ LARRY HOUSEHOLDER  
Larry Householder, Chair

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

The motion was agreed to.

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

**H. R. No. 194-Speaker Householder, Representatives Redfern, Allen, Aslanides, Barrett, Beatty, Blasdel, Boccieri, Book, Brinkman, Brown, Buehrer, Callender, Calvert, Carano, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Combs, Core, Daniels, DeBose, DeGeeter, DeWine, Distel, Domenick, Driehaus, C. Evans, D. Evans, Faber, Fessler, Flowers, Gibbs, Gilb, Grendell, Hagan, Hartnett, Harwood, Hollister, Hoops, Hughes, Husted, Jerse, Kearns, Key, Kilbane, Koziura, Latta, Martin, Mason, McGregor, Miller, Niehaus, Oelslager, Olman, Otterman, S. Patton, T. Patton, Perry, Peterson, Price, Raga, Raussen, Reidelbach, Reinhard, Schaffer, Schlichter, Schmidt, Schneider, Seaver, Seitz, Setzer, Sferra, Skindell, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Sykes, Taylor, Trakas, Ujvagi, Wagner, Walcher, Webster, White, Widener, Widowfield, Willamowski, Williams, Wilson, Wolpert, Woodard, Yates, Young.**

In memory of Barry Levey.

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

*WHEREAS, Barry Levey left an indelible impression on the people whose lives he touched, and he will be remembered as a spirited individual who contributed immeasurably to the world around him. A veteran of the U.S. Army Judge Advocate Corps, he was a member of the Ohio House of Representatives from 1962 to 1970 and the Ohio Senate from 1987 to 1995, becoming the only person to serve as chairman of the judiciary committees of both chambers, and he was instrumental in developing legislation that allowed state universities to establish branch campuses. In addition, he was a managing partner at Frost Brown Todd LLC, chief executive officer of the Manchester Inn and Conference Center, director and chairman of the board of First National Bank of Southwestern Ohio and First Financial Bancorp, and chairman of the Miami University Board of Trustees; and*

*WHEREAS, Barry Levey's regard for improving the quality of life in our society was clearly evident in his personal sacrifices of time and effort to his family, friends, and community, and he will be remembered for his generosity, talents, and seemingly inexhaustible energy. The recipient of numerous awards, he was actively involved with such prestigious organizations as the Middletown Area Chamber of Commerce, Midifest International, and Mound Builders Area Council of the Boy Scouts of America, and he displayed exceptional concern and insight in all of his endeavors. His absence will be keenly felt; and*

*WHEREAS, A devoted husband to his wife, Marilee, a loving father to his four children, Michael, Pamela, Lory, and John, and the proud grandfather of three grandchildren, Rebecca, Ryan, and Elijah, Barry Levey always used his talents to the benefit of others, and the warmth and understanding he readily extended to those around him will stand as a testament to his personal character. Although the void his death has created can never be filled, the legacy of care and commitment he established will surely live on; therefore be it*

*RESOLVED, That we, the members of the House of Representatives of the 125th General Assembly of Ohio, in adopting this Resolution, express a profound sense of loss and sincere regret at the death of Barry Levey 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 Barry Levey.*

The resolution was adopted.

### **BILLS FOR THIRD CONSIDERATION**

#### **Sub. H. B. No. 303-Representative Oelslager.**

To amend section 149.43, to enact sections 2710.01 to 2710.10, and to repeal section 2317.023 of the Revised Code to adopt the Uniform Mediation

Act, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 91, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Book	Brown	Buehrer
Calvert	Carano	Carmichael	Cates
Chandler	Cirelli	Clancy	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Domenick
Driehaus	Evans C.	Evans D.	Fessler
Flowers	Gibbs	Gilb	Grendell
Hagan	Hartnett	Hollister	Hoops
Hughes	Husted	Jerse	Kearns
Key	Kilbane	Koziura	Latta
Martin	Mason	McGregor	Miller
Oelslager	Olman	Otterman	Patton S.
Patton T.	Perry	Peterson	Price
Raga	Rausssen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	Skindell	Slaby	Smith G.
Stewart D.	Stewart J.	Strahorn	Sykes
Taylor	Trakas	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wilson	Wolpert	Woodard
Yates	Young		Householder-91.

Representative Brinkman voted in the negative-1.

The bill passed.

Representative Oelslager moved to amend the title as follows:

Add the names: "DeGeeter, C. Evans, Kearns, McGregor, Skindell."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

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

Attest:

LAURA P. CLEMENS,  
Clerk.