

OHIO

House

of

Representatives

JOURNAL

CORRECTED VERSION
TUESDAY, MAY 11, 2004

ONE HUNDRED SEVENTY-SIXTH DAY
Hall of the House of Representatives, Columbus, Ohio
Tuesday, May 11, 2004 at 1:30 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Bishop Kenneth Price of the Southern Ohio Diocese, 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:

Lindsey Graessle received HR 236, presented by Representative Schneider-35th district.

Members of the Ohio Nurses Association received HR 237, presented by Representative Beatty-27th district.

Tom Maurer and Greg Long, guests of Representative Carmichael-3rd district.

Students from St. Clements School, guests of Representative Skindell-13th district.

Shane Gleason, a guest of Representative DeGeeter-15th district.

Bonnie Henkel, Janice Sime, Pat Dreher, Jackie Upperman, Violet Duffy, Sandy Preston, Evie Bower, guests of Representative Flowers-19th district.

Students from St. Bernard School, guests of Representative Clancy-29th district.

Sara George and Jennifer Brock, guests of Representative Hagan-50th district.

Eighth grade students from St. Peter in Chains School, guests of Representative Combs-54th district.

Students from Urbana East Elementary and High Schools, guests of Representative Seaver-78th district.

Former Representatives Edward J. Orlett and Fred Deering, guests of Representative Redfern-80th district.

Eric Morse, a guest of Representative Redfern-80th district.

Tate and Tracy Lewis, guests of Representative Daniels-86th district.

Ralph Adams, a guest of Representative Niehaus-88th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 490-Representatives Skindell, D. Stewart, Cirelli, Fessler, Miller, Brown, Barrett, Harwood, S. Smith, Key, Domenick, S. Patton, Perry,

Chandler, Ujvagi, Carano, Jerse.

To amend sections 4163.01 and 4163.07 and to enact sections 4163.08 and 4163.09 of the Revised Code to require a person shipping certain radioactive material within or through this state to provide the Emergency Management Agency with notice of the shipment and pay the Department of Public Safety a fee for each shipment, and to establish the Radiation Response Fund.

H. B. No. 491-Representatives Skindell, D. Stewart, Cirelli, Fessler, Miller, Brown, Barrett, Harwood, S. Smith, Key, Domenick, S. Patton, Perry, Chandler, Ujvagi, Carano, Strahorn, Jerse.

To create the High-level Radioactive Waste Transportation Study Commission to review and evaluate issues relating to the transportation of high-level radioactive waste in this state.

H. B. No. 492-Representatives Skindell, Sykes, S. Smith, Miller, Key.

To enact section 3717.53 of the Revised Code to require each chain restaurant to disclose the nutritional information for each food or beverage item prepared and offered for sale in the restaurant.

H. B. No. 493-Representatives Hoops, Husted, J. Stewart, Aslanides, C. Evans, T. Patton, Willamowski, Latta, Seitz, Raga, Schaffer, Flowers, Setzer, G. Smith, Kearns, McGregor, Hughes, Schmidt, Ujvagi, D. Evans, Combs, Faber, Widener, Taylor, Schlichter, Slaby, Widowfield, Wolpert, Carmichael, Collier, Hartnett, Skindell, Carano, S. Patton, Miller, Seaver, Perry, Cirelli, Chandler, Otterman, Beatty, Brown.

To enact section 5.2227 of the Revised Code designating the fourth week of September as "Parent's Week."

H. B. No. 494-Representatives Wagner, Seitz, Chandler, Buehrer, Webster, Fessler, Kearns, Aslanides.

To amend section 2743.02 of the Revised Code to allow a state officer or employee who in a civil action is alleged to lack immunity from personal liability to participate fully in proceedings to determine whether the officer or employee is entitled to personal immunity.

Said bills were considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 59**-Representative Kearns, et al., were taken up for consideration.

Sub. H. B. No. 59-Representatives Kearns, Willamowski, Husted, D. Evans, Latta, Redfern, Ujvagi, Hartnett, J. Stewart, Schaffer, Carano, Seaver, Young, Harwood, Seitz, Aslanides, Key, Perry, Schlichter, Sferra, Widowfield, Allen, Beatty, Cirelli, Daniels, DeBose, DeWine, Distel, Domenick, Flowers, Hughes, McGregor, Schmidt, Setzer, Skindell, Strahorn, Taylor, Walcher, Widener, Wilson, Yates. -Senators Austria, Miller, Padgett.

To enact sections 5533.491, 5533.74, 5533.79, and 5533.80 of the Revised Code to designate a portion of State Route Number 4 within Clark County as the "Heritage Parkway," to designate a portion of United States Route 68 in Clark County the "Ron Burton Memorial Highway," to designate State Route Number 93 within Coshocton County the "Crile-Lower Memorial Highway," to name State Route 129 in Butler County the "Butler County Veterans Highway," and to permit the Director of Transportation to erect markers along the highways indicating their names.

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

The yeas and nays were taken and resulted - yeas 98, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brinkman
Brown	Buehrer	Callender	Calvert
Carano	Carmichael	Cates	Chandler
Cirelli	Clancy	Collier	Combs
Core	Daniels	DeBose	DeGeeter
DeWine	Distel	Domenick	Driehaus
Evans C.	Evans D.	Faber	Fessler
Flowers	Gibbs	Gilb	Grendell
Hagan	Hartnett	Harwood	Hollister
Hoops	Hughes	Husted	Jerse
Kearns	Key	Kilbane	Koziura
Latta	Martin	Mason	McGregor
Miller	Niehaus	Oelslager	Olman
Otterman	Patton S.	Patton T.	Perry
Peterson	Price	Raga	Rausen
Redfern	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Skindell
Slaby	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Wilson	Wolpert	Woodard	Yates
Young			Householder-98.

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 350**-Representative Gibbs, et al.,

were taken up for consideration.

Sub. H. B. No. 350-Representatives Gibbs, Wagner, Setzer, Seitz, Husted, Williams, Hollister, Young, C. Evans, Webster, Hagan, Martin, Aslanides, McGregor, Collier, Allen, Raussen, Faber, Schaffer, Seaver, Widener, Latta, Core, Willamowski, Book, Buehrer, Calvert, Carmichael, Cates, Clancy, Daniels, Distel, Domenick, D. Evans, Flowers, Gilb, Harwood, Hoops, Hughes, Niehaus, T. Patton, Peterson, Raga, Reidelbach, Reinhard, Schlichter, Schneider, Sferra, G. Smith, J. Stewart, Taylor, Trakas, Walcher, White, Wilson, Wolpert. -Senators Goodman, Stivers, Amstutz, Austria, Spada, Wachtmann, Carey, Coughlin, Hottinger, Mumper, Nein, Harris, White.

To amend sections 1533.18, 1775.14, 2117.06, 2125.01, 2125.02, 2125.04, 2305.01, 2305.03, 2305.10, 2305.25, 2307.011, 2307.23, 2307.29, 2307.60, 2307.71, 2307.75, 2307.80, 2315.01, 2315.21, 2315.32, 2315.33, 2315.34, 2315.36, 2323.41, 2323.43, 2323.51, 4507.07, 4513.263, and 4705.15; to enact sections 901.52, 1519.07, 2305.117, 2305.131, 2305.36, 2307.711, and 4705.16; and to repeal sections 2315.41, 2315.42, 2315.43, 2315.44, 2315.45, and 2315.46 of the Revised Code to provide a qualified immunity from civil damages to a manufacturer, seller, or supplier of a food or a nonalcoholic beverage for a claim of weight gain, obesity, or a related physical or mental health condition resulting from the consumption of the food or nonalcoholic beverage unless certain circumstances are proven by a claimant; to prohibit imputing any assurances or assumption of liability regarding public access to premises used for growing agricultural produce; to preclude assumption of liability regarding the use of recreational trails; to modify the provisions on frivolous conduct in filing civil actions; to make changes related to the award of certain damages, collateral benefits evidence, and contributory fault in tort actions; to establish a statute of repose for certain product liability claims and claims based on unsafe conditions of real property improvements and to make other changes related to product liability claims; to provide that the product liability statutes are intended to abrogate common law product liability causes of action; to enact a conflicts of law provision for statutes of limitation in civil actions; to enact a legal consumer's bill of rights; to limit attorney contingency fees in connection with certain tort actions; to provide that a plaintiff generally may include only two defendants in an original tort action complaint; to request the Supreme Court to obtain data regarding frivolous conduct awards; and to make other changes related to civil actions.

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

Representative Gibbs moved that the Senate amendments to **Sub. H. B. No. 350**-Representative Gibbs, et al., be informally passed and retain their place on the calendar.

The motion was agreed to.

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

Representative Perry submitted the following report:

The standing committee on Transportation and Public Safety to which was referred **H. B. No. 328**-Representative Olman, et al., having had the same under consideration, reports it back and recommends its passage.

RE: VETERANS GLASS CITY SKYWAY - I-280 - LUCAS CTY

Representative Reinhard moved to amend the title as follows:

Add the names: "Key, Reinhard, Schlichter, Sferra."

<u>/s/</u> JOHN SCHLICHTER	<u>/s/</u> LARRY L. FLOWERS
<u>/s/</u> DAVID R. EVANS	<u>/s/</u> DANIEL J. SFERRA
<u>/s/</u> SYLVESTER D. PATTON	<u>/s/</u> JEANINE PERRY
<u>/s/</u> ANNIE L. KEY	<u>/s/</u> COURTNEY COMBS
<u>/s/</u> LARRY PRICE	<u>/s/</u> STEVE REINHARD
<u>/s/</u> JIM MCGREGOR	<u>/s/</u> JIM ASLANIDES
<u>/s/</u> JOHN WIDOWFIELD	

The report was agreed to.

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

Representative Perry submitted the following report:

The standing committee on Transportation and Public Safety to which was referred **H. B. No. 329**-Representative Schlichter, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: "NATIONAL DEFENSE" LICENSE PLATES

Representative Reinhard moved to amend the title as follows:

Add the names: "D. Evans, Key, S. Patton, Perry, Reinhard, Sferra."

<u>/s/</u> DAVID R. EVANS	<u>/s/</u> JOHN SCHLICHTER
<u>/s/</u> LARRY L. FLOWERS	<u>/s/</u> LARRY PRICE
<u>/s/</u> SYLVESTER D. PATTON	<u>/s/</u> DANIEL J. SFERRA
<u>/s/</u> JEANINE PERRY	<u>/s/</u> ANNIE L. KEY
<u>/s/</u> COURTNEY COMBS	<u>/s/</u> JIM MCGREGOR
<u>/s/</u> JOHN WIDOWFIELD	<u>/s/</u> JIM ASLANIDES
<u>/s/</u> STEVE REINHARD	

The report was agreed to.

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

Representative Perry submitted the following report:

The standing committee on Transportation and Public Safety to which was referred **H. B. No. 416**-Representative C. Evans, et al., having had the same under consideration, reports it back and recommends its passage.

RE: BOB EVANS HIGHWAY - US RT. 35 - GALLIA COUNTY

Representative Reinhard moved to amend the title as follows:

Add the names: "D. Evans, Key, S. Patton, Reinhard, Schlichter, Sferra."

/s/ JOHN SCHLICHTER

/s/ LARRY L. FLOWERS

/s/ DAVID R. EVANS

/s/ DANIEL J. SFERRA

/s/ SYLVESTER D. PATTON

/s/ LARRY PRICE

/s/ JEANINE PERRY

/s/ ANNIE L. KEY

/s/ COURTNEY COMBS

/s/ STEVE REINHARD

/s/ JIM MCGREGOR

/s/ JOHN WIDOWFIELD

/s/ JIM ASLANIDES

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 Energy and Environment to which was referred **H. B. No. 432**-Representative Webster, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CONSTRUCTION/DEMOLITION DEBRIS DISPOSAL - FEE

Representative Hollister moved to amend the title as follows:

Add the names: "Niehaus, Aslanides, Setzer."

/s/ JIM MCGREGOR

/s/ TIMOTHY J. GRENDELL

/s/ JIM ASLANIDES

/s/ JEFF WAGNER

/s/ JIM CARMICHAEL

/s/ JOHN WIDOWFIELD

/s/ ARLENE J. SETZER

/s/ NANCY P. HOLLISTER

The following members voted "NO"

/s/ MICHAEL J. SKINDELL

/s/ MARY M. CIRELLI

/s/ JOHN DOMENICK

/s/ DAN STEWART

The report was agreed to.

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

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 144-Representatives Buehrer, Perry, Price, Brown, Cirelli.

To amend sections 3107.15, 3109.051, 3109.11, and 3109.12 of the Revised Code to provide that the rights of certain parties to seek companionship or visitation rights with a child in certain circumstances are not curtailed when the child is adopted by a stepparent, 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 2, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Domenick	Driehaus	Evans C.
Evans D.	Faber	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Hartnett	Harwood	Hollister	Hoops
Hughes	Husted	Jerse	Kearns
Key	Kilbane	Koziura	Latta
Martin	Mason	McGregor	Miller
Niehaus	Oelslager	Olman	Otterman
Patton S.	Patton T.	Perry	Peterson
Price	Rausen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	Skindell	Slaby	Smith G.
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Wilson	Wolpert
Woodard	Yates	Young	Householder-96.

Representatives Brinkman and Raga voted in the negative-2.

The bill passed.

Representative Buehrer moved to amend the title as follows:

Add the names: "Allen, Barrett, Callender, Calvert, Carano, Carmichael, Chandler, Clancy, Collier, DeBose, DeGeeter, Distel, Domenick, C. Evans, Faber, Flowers, Gilb, Hagan, Harwood, Hoops, Kearns, Key, Latta, Martin, Mason, McGregor, Niehaus, Otterman, T. Patton, Peterson, Schaffer, Schneider, Seitz, Setzer, Skindell, Slaby, Walcher, Webster, Willamowski,

Wolpert."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 223-Representatives Gibbs, Cates, Schmidt, C. Evans, Calvert, Hagan, Aslanides, D. Evans, Buehrer, Setzer, Webster, McGregor, Raussen, Young, Faber, Peterson, Carmichael, Wolpert, Schlichter.

To amend sections 4123.35 and 4123.54 of the Revised Code to specify conditions under which chemical testing of an employee may establish a rebuttable presumption that the employee's injury was proximately caused by use of alcohol or an unprescribed controlled substance, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Miller moved to amend as follows:

In line 803, after "(G)" insert "**Within sixty days of the effective date of this amendment, each employer affected by this section shall send a letter to each employee explaining the consequences of testing positive for alcohol or drugs under this section. The letter may be sent as a separate letter or as an enclosure with an employee's paycheck. For each employee hired after the effective date of this amendment, the employer shall supply similar written notice as a part of the employee's orientation process.**

(H)"

In line 847, delete "(H)" and insert "(I)"

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

The yeas and nays were taken and resulted - yeas 90, nays 8, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brown
Callender	Calvert	Carano	Carmichael
Chandler	Cirelli	Clancy	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Domenick
Driehaus	Evans C.	Evans D.	Fessler
Flowers	Gibbs	Gilb	Grendell
Hagan	Hartnett	Harwood	Hollister
Hoops	Hughes	Husted	Jerse
Kearns	Key	Kilbane	Koziura
Latta	Mason	McGregor	Miller
Niehaus	Oelslager	Olman	Otterman
Patton S.	Perry	Peterson	Price
Raga	Raussen	Redfern	Reidelbach
Reinhard	Schlichter	Schmidt	Schneider
Seaver	Seitz	Setzer	Sferra
Skindell	Slaby	Smith G.	Smith S.

Stewart D.	Stewart J.	Strahorn	Sykes
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Wilson	Wolpert	Woodard	Yates
Young			Householder-90.

Representatives Brinkman, Buehrer, Cates, Faber, Martin, Patton T., Schaffer, and Trakas voted in the negative-8.

The motion was agreed to and the bill so amended.

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

Representative Hartnett moved to amend as follows:

In line 7, after "4123.54" insert "be amended and section 3318.101"

In line 8, delete "amended" and insert "enacted"

Between lines 8 and 9, insert:

"Sec. 3318.101. The Ohio school facilities commission shall not approve the award of any contract under section 3318.10 of the Revised Code unless the bidder has demonstrated to the satisfaction of the commission that the bidder and any subcontractors have enrolled in a drug-free workplace program that is either established by the bureau of workers' compensation or approved by the bureau and that the bidder is in compliance with the provisions of that program. This section shall apply to any bidder for a contract awarded under section 3318.10 of the Revised Code regardless of whether that bidder is subject to Chapter 4123. of the Revised Code."

In line 1 of the title, after "4123.54" insert "and to enact section 3318.101"

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

Representative Calvert 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 51, nays 47, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Callender
Calvert	Carmichael	Cates	Clancy
Combs	Core	Daniels	DeWine
Evans C.	Evans D.	Faber	Fessler
Flowers	Gibbs	Gilb	Hagan
Hoops	Hughes	Husted	Kearns
Latta	Martin	McGregor	Oelslager
Patton T.	Peterson	Raga	Rausen
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seitz	Setzer
Slaby	Trakas	Wagner	Walcher
Webster	White	Widowfield	Willamowski
Wolpert	Young		Householder-51.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano
Chandler	Cirelli	Collier	DeBose
DeGeeter	Distel	Domenick	Driehaus
Grendell	Hartnett	Harwood	Hollister
Jerse	Key	Kilbane	Koziura
Mason	Miller	Niehaus	Olman
Otterman	Patton S.	Perry	Price
Redfern	Seaver	Sferra	Skindell
Smith G.	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Ujvagi	Widener
Wilson	Woodard		Yates-47.

The motion to amend was laid on the table.

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

The yeas and nays were taken and resulted - yeas 58, nays 40, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Blasdel	Buehrer
Calvert	Carmichael	Cates	Clancy
Collier	Combs	Core	Daniels
DeWine	Evans C.	Evans D.	Faber
Fessler	Flowers	Gibbs	Gilb
Grendell	Hagan	Hollister	Hoops
Hughes	Husted	Kearns	Latta
Martin	McGregor	Niehaus	Oelslager
Peterson	Raga	Raussen	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Slaby	Smith G.	Trakas	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Wilson	Wolpert
Young			Householder-58.

Those who voted in the negative were: Representatives

Barrett	Beatty	Bocchieri	Book
Brinkman	Brown	Callender	Carano
Chandler	Cirelli	DeBose	DeGeeter
Distel	Domenick	Driehaus	Hartnett
Harwood	Jerse	Key	Kilbane
Koziura	Mason	Miller	Olman
Otterman	Patton S.	Patton T.	Perry
Price	Redfern	Sferra	Skindell
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Ujvagi	Woodard	Yates-40.

The bill passed.

Representative Gibbs moved to amend the title as follows:

Add the names: "Blasdel, Clancy, Collier, Core, Daniels, DeBose, Flowers, Gilb, Hoops, Martin, Niehaus, Raga, Reidelbach, Reinhard, Schaffer, Schneider."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 355-Representatives Callender, McGregor, Hagan, Fessler, Kearns, Carano, Seitz, Setzer, Faber, Wolpert, Chandler, Sferra, Domenick, Collier, Walcher, Flowers.

To amend sections 504.01 and 504.02 of the Revised Code to provide additional ways of determining the population of the unincorporated territory of a township for purposes of meeting the population requirements for adopting a limited home rule government, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 98, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brinkman
Brown	Buehrer	Callender	Calvert
Carano	Carmichael	Cates	Chandler
Cirelli	Clancy	Collier	Combs
Core	Daniels	DeBose	DeGeeter
DeWine	Distel	Domenick	Driehaus
Evans C.	Evans D.	Faber	Fessler
Flowers	Gibbs	Gilb	Grendell
Hagan	Hartnett	Harwood	Hollister
Hoops	Hughes	Husted	Jerse
Kearns	Key	Kilbane	Koziura
Latta	Martin	Mason	McGregor
Miller	Niehaus	Oelslager	Olman
Otterman	Patton S.	Patton T.	Perry
Peterson	Price	Raga	Rausen
Redfern	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Skindell
Slaby	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Wilson	Wolpert	Woodard	Yates
Young			Householder-98.

The bill passed.

Representative Callender moved to amend the title as follows:

Add the names: "Allen, Barrett, Brown, Calvert, D. Evans, Grendell, Hartnett, Martin, Niehaus, Otterman, Perry, Raga, Schaffer, Schmidt, Schneider, Seaver, Slaby, Young."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 362-Representatives Hoops, Allen, Calvert, C. Evans, D. Evans, Flowers, Hartnett, Jerse, Martin, Miller, T. Patton, Peterson, Schmidt, Strahorn.

To amend sections 3318.05, 3318.052, 3318.08, 3318.44, 5705.192, and 5705.21 of the Revised Code to permit school district permanent improvements levies imposed for a limited period of time to be renewed for a continuing period of time, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 95, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Domenick	Driehaus	Evans C.
Evans D.	Faber	Flowers	Gibbs
Gilb	Grendell	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Husted	Jerse	Kearns	Key
Kilbane	Koziura	Latta	Martin
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	Patton T.
Perry	Peterson	Price	Raga
Raussen	Redfern	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seaver	Seitz	Setzer	Sferra
Skindell	Slaby	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wilson	Wolpert	Woodard
Yates	Young		Householder-95.

Representatives Brinkman and Fessler voted in the negative-2.

The bill passed.

Representative Hoops moved to amend the title as follows:

Add the names: "Aslanides, Barrett, Brown, Callender, Chandler, Cirelli, Collier, DeBose, Domenick, Gilb, Hollister, McGregor, Niehaus, Olman,

Otterman, Price, Schlichter, Seaver, Seitz, Slaby, D. Stewart, J. Stewart, Walcher."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 377-Representative Raga.

To amend sections 4729.25 and 4729.26, to enact sections 4729.75 to 4729.81, and to repeal sections 4729.63 and 4729.66 of the Revised Code to require the State Board of Pharmacy to establish and maintain a drug database to monitor the misuse and diversion of controlled substances and certain dangerous drugs, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative S. Smith moved to amend as follows:

In line 170, delete the second "may" and insert "shall"

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

The yeas and nays were taken and resulted - yeas 87, nays 11, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Boccieri	Book	Brinkman	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Cirelli	Clancy
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Domenick	Driehaus	Evans C.	Evans D.
Faber	Fessler	Flowers	Gibbs
Gilb	Hagan	Hartnett	Harwood
Hollister	Hoops	Hughes	Husted
Jerse	Kearns	Kilbane	Koziura
Latta	Martin	Mason	McGregor
Miller	Niehaus	Oelslager	Olman
Patton T.	Perry	Peterson	Raga
Raussen	Redfern	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Skindell
Slaby	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Trakas
Ujvagi	Wagner	Webster	White
Widener	Widowfield	Willamowski	Wilson
Wolpert	Young		Householder-87.

Those who voted in the negative were: Representatives

Beatty	Chandler	Grendell	Key
Otterman	Patton S.	Price	Reidelbach
Walcher	Woodard		Yates-11.

The motion was agreed to and the bill so amended.

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

The yeas and nays were taken and resulted - yeas 73, nays 25, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Book	Callender	Calvert	Carano
Carmichael	Cates	Cirelli	Clancy
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Domenick	Driehaus	Evans C.	Evans D.
Faber	Flowers	Gibbs	Gilb
Hagan	Hartnett	Harwood	Hollister
Hoops	Husted	Jerse	Kearns
Koziura	Latta	Martin	Miller
Niehaus	Oelslager	Olman	Patton T.
Perry	Peterson	Raga	Rausen
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	Slaby	Smith G.	Smith S.
Stewart J.	Strahorn	Trakas	Ujvagi
Walcher	Webster	White	Widowfield
Willamowski	Wilson	Wolpert	Young
			Householder-73.

Those who voted in the negative were: Representatives

Beatty	Bocieri	Brinkman	Brown
Buehrer	Chandler	Fessler	Grendell
Hughes	Key	Kilbane	Mason
McGregor	Otterman	Patton S.	Price
Redfern	Reidelbach	Skindell	Stewart D.
Sykes	Wagner	Widener	Woodard
			Yates-25.

The bill passed.

Representative Raga moved to amend the title as follows:

Add the names: "Calvert, Carmichael, Cirelli, Clancy, Daniels, C. Evans, D. Evans, Flowers, Hagan, Martin, T. Patton, Schaffer, Schlichter, Schneider, Slaby, G. Smith, J. Stewart, Willamowski."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 393-Representatives Harwood, Perry, Williams, Hartnett, Carano, Schmidt, Seitz, Seaver, Sferra, Book, Kearns, Otterman, DeGeeter, Ujvagi, Barrett, Core, Hughes, Miller, Webster, Wilson.

To amend section 3383.01 of the Revised Code to provide that the Ohio Arts and Sports Facilities Commission may participate in the financing of

motorsports complexes, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

05/11/04

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 **H. B. No. 393**-Representative Harwood, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/S/ GEOFFREY C. SMITH
GEOFFREY C. SMITH
State Representative
24th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 86, nays 11, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Boccieri	Book	Brown
Calvert	Carano	Carmichael	Chandler
Cirelli	Clancy	Collier	Combs
Core	Daniels	DeBose	DeGeeter
DeWine	Distel	Domenick	Driehaus
Evans C.	Evans D.	Faber	Flowers
Gibbs	Gilb	Grendell	Hartnett
Harwood	Hollister	Hoops	Hughes
Husted	Jerse	Kearns	Key
Kilbane	Koziura	Latta	Martin
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	Patton S.
Patton T.	Perry	Peterson	Price
Raga	Rausen	Redfern	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seaver	Seitz	Setzer	Sferra
Skindell	Slaby	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Willamowski	Wilson	Wolpert

Yates

Householder-86.

Those who voted in the negative were: Representatives

Brinkman	Buehrer	Callender	Cates
Fessler	Hagan	Reidelbach	Widener
Widowfield	Woodard		Young-11.

The bill passed.

Representative Harwood moved to amend the title as follows:

Add the names: "Allen, Aslanides, Beatty, Blasdel, Brown, Cirelli, Clancy, DeBose, Distel, Domenick, C. Evans, Faber, Flowers, Grendell, Key, Mason, S. Patton, Peterson, Price, Redfern, Schneider, D. Stewart, Strahorn, Sykes, Walcher."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 414-Representatives Core, Wolpert, Setzer, Jerse, Allen, Ujvagi, Webster, Aslanides, Gibbs, Carmichael, Distel, Domenick, C. Evans, Faber, Niehaus, Reinhard, Schlichter.

To amend section 5709.85 and to enact sections 931.01 to 931.09, 931.99, and 5709.28 of the Revised Code to provide for the establishment of agricultural security areas, to limit development within those areas, and to provide the opportunity for certain tax exemptions for land within those areas, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 94, nays 4, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Domenick	Driehaus	Evans C.
Evans D.	Faber	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Hartnett	Harwood	Hollister	Hoops
Husted	Jerse	Kearns	Key
Kilbane	Koziura	Latta	Martin
Mason	Miller	Niehaus	Oelslager
Olman	Otterman	Patton S.	Patton T.
Perry	Peterson	Price	Raga
Raussen	Redfern	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver

Seitz	Setzer	Sferra	Skindell
Slaby	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Wilson	Wolpert	Woodard	Yates
Young			Householder-94.

Representatives Brinkman, Hughes, McGregor, and Reidelbach voted in the negative-4.

The bill passed.

Representative Core moved to amend the title as follows:

Add the names: "Calvert, Carano, Cates, Chandler, Collier, Daniels, D. Evans, Gilb, Grendell, Hartnett, Hollister, Latta, Otterman, Perry, Redfern, Schmidt, Seaver, Sferra, Strahorn, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. H. B. No. 425-Representatives J. Stewart, Aslanides, Hollister, Schaffer, Seitz, Skindell, Cirelli, Domenick, Niehaus.

To amend sections 3929.50, 3929.51, 3929.52, 3929.56, 3929.58, and 3929.59 of the Revised Code to remove current limits on mine subsidence coverage, to increase the cap on the amount of reinsurance coverage that the mine subsidence underwriting association may offer, to end the annual distribution of excess moneys in the mine subsidence insurance fund to policyholders, to permit a representative to be elected to the mine insurance governing board without a meeting of the members, and to specify the Ohio counties in which mine subsidence insurance must be offered in connection with property and homeowners insurance, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 98, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brinkman
Brown	Buehrer	Callender	Calvert
Carano	Carmichael	Cates	Chandler
Cirelli	Clancy	Collier	Combs
Core	Daniels	DeBose	DeGeeter
DeWine	Distel	Domenick	Driehaus
Evans C.	Evans D.	Faber	Fessler
Flowers	Gibbs	Gilb	Grendell
Hagan	Hartnett	Harwood	Hollister
Hoops	Hughes	Husted	Jerse

Kearns	Key	Kilbane	Koziura
Latta	Martin	Mason	McGregor
Miller	Niehaus	Oelslager	Olman
Otterman	Patton S.	Patton T.	Perry
Peterson	Price	Raga	Raussen
Redfern	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Skindell
Slaby	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Wilson	Wolpert	Woodard	Yates
Young			Householder-98.

The bill passed.

Representative J. Stewart moved to amend the title as follows:

Add the names: "Blasdel, Carano, Collier, Daniels, DeBose, C. Evans, D. Evans, Gibbs, Otterman, Slaby, D. Stewart, Wilson, Wolpert."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

MESSAGE FROM THE SPEAKER

Pursuant to House Rules 12, 27 and 29, the Speaker hereby makes the following changes to the Public Utilities committee:

Remove Representative Olman as chair and appoint as vice chair; remove Representative Hagan as vice chair and appoint as chair

On motion of Representative Cates, the House adjourned until Wednesday, May 12, 2004 at 1:30 o'clock p.m.

Attest:

LAURA P. CLEMENS,
Clerk.