

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

**CORRECTED VERSION**  
**WEDNESDAY, MAY 12, 2004**

ONE HUNDRED SEVENTY-SEVENTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, May 12, 2004 at 1:30 o'clock p.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Jeff Kolodziej of the Cornerstone Chapel in Medina, 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:

The Ohio University men's hockey team received HR 220, presented by Representative J. Stewart-92nd district.

The Hamilton High School boys basketball team received HR 235, presented by Representative Combs-54th district.

Will Allen, a guest of Representative Allen-39th district.

Students from the Robert A. Taft boys basketball team, guests of Representative Barrett 32nd district.

Members of the Ohio Federation of Republican Women.

Carolyn, Rick, Nathan, Val, and Virginia Kuczmariski, guests of Representative Trakas-17th district.

Jordan Wernecky, a guest of Representative G. Smith-24th district.

Jim Carney, a guest of Representatives D. Stewart-25th district and McGregor-20th district.

Mary Breyhair, a guest of Representative Olman-46th district.

Don and Lori Serafini, guests of Representative Hagan-50th district.

Matt Wolan and Elizabeth Cluster, guests of Representative Faber-77th district.

Chris Widman, a guest of Representative Wagner-81st district.

Penny Johuson, a guest of Representative Schlichter-85th district.

Peter Mooney, a guest of Representative Grendell-98th district.

### INTRODUCTION OF BILLS

The following bills were introduced:

**H. B. No. 495**-Representatives Sferra, Harwood, Ujvagi, Skindell, Miller, Carano, Koziura, Redfern, DeGeeter, Jerse.

To amend sections 101.34, 3517.01, 3517.10, and 3517.992 and to enact

sections 3517.30 to 3517.39 of the Revised Code to require political fundraisers and their employers to file statements regarding their fundraising activities and financial transactions, to require campaign finance statements to identify contributions received through the efforts of political fundraisers, and to prohibit political fundraisers from receiving payment on a contingent fee basis.

**H. B. No. 496**-Representatives Yates, Price, Otterman, Jerse, Miller, S. Patton, D. Stewart, Harwood, Brown, Skindell, S. Smith, Barrett.

To amend section 2923.126 of the Revised Code and to amend Section 9 of Am. Sub. H.B. No. 12 of the 125th General Assembly to expand the list of "prohibited places" where a person possessing a valid license to carry a concealed handgun is not permitted to carry a concealed handgun to include public parks, swimming pools, golf courses, cemeteries, and parking lots and to permit a municipal corporation to adopt an ordinance or resolution to restrict the places where a person possessing a valid license to carry a concealed handgun may carry a handgun concealed.

**H. B. No. 497**-Representatives D. Stewart, Flowers, Hughes, Skindell, Miller, Carano, Strahorn, Sferra, Barrett, Reidelbach, Beatty, Ujvagi, Brown.

To amend section 4117.01 of the Revised Code to modify coverage of the Public Employees' Collective Bargaining Law with respect to township and village fire departments.

Said bills were considered the first time.

On motion of Representative Cates, the House recessed.

The House met pursuant to recess.

### CONSIDERATION OF SENATE AMENDMENTS

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 Wilson reported for the Rules and Reference Committee recommending that the following House Bills and Senate Bills be considered for the second time and referred to the following committees for consideration:

##### **H.B. No. 485 - Representative Yates, et al**

**TO PROHIBIT THE MANUFACTURE, POSSESSION, PURCHASE,  
SALE, TRANSFER, OR OFFER TO SELL ANY ASSAULT WEAPON  
AND CERTAIN OTHER RELATED CONDUCT**

To the committee on Criminal Justice

**H.B. No. 486 - Representative Hollister, et al**

TO REQUIRE THE STATE BOARD OF COSMETOLOGY ADOPT RULES REGARDING LICENSEE SERVICES OUTSIDE OF A SALON, TO MODIFY REQUIREMENTS FOR A COSMETOLOGY MANAGER'S LICENSE, AND TO MODIFY QUALIFICATIONS FOR CERTAIN INSTRUCTORS TO TEACH AT SCHOOLS OF COSMETOLOGY

To the committee on Commerce and Labor

**H.B. No. 487 - Representative Beatty, et al**

TO DECLARE THE MONTH OF MAY OF EACH YEAR "NURSES MONTH" IN OHIO

To the committee on State Government

**H.B. No. 488 - Representative Woodard, et al**

TO REQUIRE THE STATE BOARD OF EDUCATION TO REQUEST A CRIMINAL RECORDS CHECK OF AN APPLICANT PRIOR TO ISSUING OR RENEWING AN EDUCATOR LICENSE

To the committee on Education

**H.B. No. 489 - Representative T. Patton**

TO REQUIRE THE BOARD OF EDUCATION OF EACH SCHOOL DISTRICT UNDERTAKING A SCHOOL BUILDING CONSTRUCTION PROJECT VALUED OVER \$25,000 TO AWARD THE CONTRACT FOR THAT PROJECT ONLY TO THE LOWEST RESPONSIBLE OHIO-BASED BIDDER OR BY BOARD OPTION TO THE LOWEST RESPONSIVE AND RESPONSIBLE OHIO-BASED BIDDER AND TO REQUIRE SCHOOL DISTRICTS AND THE OHIO SCHOOL FACILITIES COMMISSION TO CONTRACT WITH OHIO-BASED PERSONS WHEN CONTRACTING FOR PROFESSIONAL SERVICES IN SUPPORT OF SCHOOL DISTRICT CONSTRUCTION PROJECTS

To the committee on Education

**Sub. S.B. No. 71 - Senator Goodman, et al** TO CHANGE THE PENALTIES FOR FAILURE TO ATTEND AS REQUIRED BY A NOTICE FOR JURY SERVICE AND TO SERVE AS A JUROR, TO CHANGE THE CIRCUMSTANCES UNDER AND METHODS BY WHICH JURY SERVICE MAY BE POSTPONED, TO PROVIDE PROTECTIONS FOR EMPLOYEES AND SMALL EMPLOYERS WHEN EMPLOYEES ARE SUMMONED FOR JURY SERVICE, TO ELIMINATE THE CAP ON JUROR COMPENSATION, TO SHORTEN THE PERIOD OF JURY SERVICE AFTER WHICH A JUROR MAY BE DISCHARGED, TO ALLOW THE COMMISSIONERS OF JURORS TO ESTABLISH AN ELECTRONIC NOTIFICATION SYSTEM TO ALLOW JURORS TO BE NOTIFIED ELECTRONICALLY THAT THE JUROR SHALL ATTEND IN PERSON THE TERM OR PART OF THE TERM SPECIFIED IN THE NOTICE, AND TO MAKE OTHER CHANGES TO THE JURY SELECTION PROCEDURES

To the committee on Civil and Commercial Law

**Sub. S.B. No. 165 - Senator Schuring, et al**

TO AUTHORIZE LIENS THAT MAY BE USED TO SECURE THE  
PERFORMANCE OF OBLIGATIONS BY RECIPIENTS OF  
DEVELOPMENT LOANS AND LOCAL PROPERTY TAX INCENTIVES

To the committee on Finance and Appropriations

**Sub. S.B. No. 209 - Senator Mumper, et al**

TO REVISE THE AUCTIONEERS LAW

To the committee on Agriculture and Natural Resources

**S.B. No. 224 - Senator Padgett**

TO PERMIT ANY TECHNICAL COLLEGE THAT IS NOT CO-LOCATED  
WITH ANOTHER INSTITUTION OF HIGHER EDUCATION TO  
ACQUIRE HOUSING AND DINING FACILITIES

To the committee on Finance and Appropriations

/s/ GARY W. CATES

/s/ JIM CARMICHAEL

/s/ LARRY L. FLOWERS

/s/ THOMAS F. PATTON

/s/ JOHN SCHLICHTER

/s/ KATHLEEN WALCHER

/s/ JOYCE BEATTY

/s/ EDWARD JERSE

/s/ CHARLES A. WILSON

/s/ CHARLES CALVERT

/s/ PATRICIA M. CLANCY

/s/ JIM HUGHES

/s/ JON M. PETERSON

/s/ JAMES PETER TRAKAS

/s/ DIXIE J. ALLEN

/s/ KENNETH A. CARANO

/s/ ROBERT J. OTTERMAN

Representative Cates moved that the House and constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of the House Bills and Senate Bills contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said House Bills and Senate Bills were considered a second time and referred as recommended.

Representative Yates submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 132**-Representative Setzer, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: PUBLIC INDECENCY - EXPAND MODIFY

Representative Latta moved to amend the title as follows:

Add the name: "Latta."

/s/ ROBERT E. LATTA

/s/ WILLIAM J. SEITZ

/s/ THOM COLLIER

/s/ TYRONE K. YATES

/s/ EDWARD JERSE	/s/ JOHN R. WILLAMOWSKI
/s/ TIMOTHY J. DEGEETER	/s/ LANCE T. MASON
/s/ SHIRLEY A. SMITH	/s/ CATHERINE L. BARRETT
/s/ TIMOTHY J. GRENDALL	/s/ DAVID R. EVANS
/s/ KEITH L. FABER	/s/ STEPHEN BUEHRER
/s/ JAMIE CALLENDER	/s/ ANNIE L. KEY
/s/ MIKE GILB	

The report was agreed to.

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

Representative Woodard submitted the following report:

The standing committee on Insurance to which was referred **Sub. S. B. No. 187**-Senator Nein, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: ANNUNITIES - NONFORFEITURE VALUE/REGULATION

Representative G. Smith moved to amend the title as follows:

Add the names: "Representatives D. Evans, G. Smith, Faber, Gibbs, Setzer, Martin, Sferra, Wolpert, Koziura, Daniels, Barrett."

/s/ JIM HUGHES	/s/ DIANA M. FESSLER
/s/ KEITH L. FABER	/s/ CHARLES R. BLASDEL
/s/ GARY W. CATES	/s/ GEOFFREY C. SMITH
/s/ DAVID DANIELS	/s/ BOB GIBBS
/s/ DANIEL J. SFERRA	/s/ DAVID R. EVANS
/s/ EDNA BROWN	/s/ ARLENE J. SETZER
/s/ CATHERINE L. BARRETT	/s/ JOSEPH KOZIURA
/s/ LYNN E. OLMAN	/s/ EARL MARTIN
/s/ DERRICK SEAVER	/s/ THOMAS F. PATTON
/s/ STEVE L. DRIEHAUS	/s/ CLAUDETTE J. WOODARD
/s/ TODD BOOK	/s/ LARRY L. WOLPERT
/s/ JOHN J. WHITE	

The report was agreed to.

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

Representative D. Stewart submitted the following report:

The standing committee on State Government to which was referred **Sub. S. B. No. 164**-Senator Schuler, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: ALLOW SUNDAY LIQUOR SALES

Representative Carmichael moved to amend the title as follows:

Add the name: "Representative Trakas."

/s/ JAMES PETER TRAKAS	/s/ STEPHEN BUEHRER
/s/ JIM CARMICHAEL	/s/ KEVIN DEWINE
/s/ LARRY L. FLOWERS	/s/ PATRICIA M. CLANCY
/s/ DAN STEWART	/s/ ANNIE L. KEY
/s/ LANCE T. MASON	/s/ EDNA BROWN

The following member voted "NO"

/s/ SYLVESTER D. PATTON

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. B. No. 239**-Representative Core, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: HOSPITAL - "COSTS"/CONFLICT OF INTEREST

/s/ SANDRA STABILE HARWOOD	/s/ NANCY P. HOLLISTER
/s/ SHIRLEY A. SMITH	/s/ MERLE GRACE KEARNS
/s/ JAMES M. HOOPS	/s/ GEOFFREY C. SMITH
/s/ MARILYN SLABY	/s/ MARY M. CIRELLI
/s/ MICHAEL DEBOSE	/s/ CATHERINE L. BARRETT
/s/ LARRY PRICE	/s/ LYNN E. OLMAN
/s/ JOYCE BEATTY	/s/ COURTNEY COMBS
/s/ EARL MARTIN	/s/ CHARLES R. BLASDEL
/s/ MICHELLE G. SCHNEIDER	/s/ JOHN J. WHITE
/s/ DIANA M. FESSLER	/s/ LINDA REIDELBACH

The following member voted "NO"

/s/ TYRONE K. YATES

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. B. No. 257**-Representative Clancy, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: DEATH CERTIFICATES - INFORMATION INCLUDED

Representative White moved to amend the title as follows:

Add the names: "Barrett, DeBose, S. Smith, Hoops, Cirelli, Price, Beatty,



Harwood, Martin."

/s/ TYRONE K. YATES	/s/ NANCY P. HOLLISTER
/s/ SHIRLEY A. SMITH	/s/ MERLE GRACE KEARNS
/s/ GEOFFREY C. SMITH	/s/ MARY M. CIRELLI
/s/ JAMES M. HOOPS	/s/ LYNN E. OLMAN
/s/ LARRY PRICE	/s/ COURTNEY COMBS
/s/ JOYCE BEATTY	/s/ SANDRA STABILE HARWOOD
/s/ MICHAEL DEBOSE	/s/ CATHERINE L. BARRETT
/s/ JOHN J. WHITE	/s/ EARL MARTIN
/s/ CHARLES R. BLASDEL	/s/ MARILYN SLABY
/s/ MICHELLE G. SCHNEIDER	/s/ LINDA REIDELBACH
/s/ DIANA M. FESSLER	

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. B. No.**

**454**-Representative White, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CHARITABLE PHARMACIES - DISTRIBUTION OF SAMPLE DRUGS

Representative White moved to amend the title as follows:

Add the names: "Hollister, Price, Cirelli, G. Smith, Reidelbach, Hoops, Harwood, Slaby, Combs, Beatty, Barrett."

/s/ TYRONE K. YATES	/s/ JAMES M. HOOPS
/s/ GEOFFREY C. SMITH	/s/ MARILYN SLABY
/s/ MARY M. CIRELLI	/s/ LYNN E. OLMAN
/s/ CATHERINE L. BARRETT	/s/ MICHAEL DEBOSE
/s/ LINDA REIDELBACH	/s/ NANCY P. HOLLISTER
/s/ SANDRA STABILE HARWOOD	/s/ LARRY PRICE
/s/ MERLE GRACE KEARNS	/s/ SHIRLEY A. SMITH
/s/ JOHN J. WHITE	/s/ COURTNEY COMBS
/s/ CHARLES R. BLASDEL	/s/ MICHELLE G. SCHNEIDER
/s/ DIANA M. FESSLER	/s/ JOYCE BEATTY

The report was agreed to.

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

Representative Chandler submitted the following report:

The standing committee on County and Township Government to which was referred **H. B. No. 411**-Representative Seitz, et al., having had the same under consideration, reports it back as a substitute bill and recommends its

passage.

RE: SEWER CONSTRUCTION/BACK-UPS/WATER MANAGEMENT

Representative Wolpert moved to amend the title as follows:

Add the names: "Wolpert, Schlichter, Sferra, Daniels, Flowers."

/s/ JEFF WAGNER

/s/ LYNN E. OLMAN

/s/ LARRY L. FLOWERS

/s/ DANIEL J. SFERRA

/s/ TIMOTHY J. DEGEETER

/s/ KATHLEEN CHANDLER

/s/ COURTNEY COMBS

/s/ JOHN DOMENICK

/s/ KATHLEEN WALCHER

/s/ THOM COLLIER

/s/ DAVID DANIELS

/s/ LARRY L. WOLPERT

/s/ DIANA M. FESSLER

/s/ JOHN SCHLICHTER

/s/ CLYDE EVANS

The following members voted "NO"

/s/ MICHAEL J. SKINDELL

/s/ MARY M. CIRELLI

/s/ PETER UJVAGI

/s/ JIM MCGREGOR

The report was agreed to.

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

#### MOTIONS AND RESOLUTIONS

Representative Wilson reported for the Rules and Reference Committee recommending that the following House Resolutions and Senate Concurrent Resolution be read by title only and approved:

**H.R. No. 237 - Representative Beatty**

DECLARING THE MONTH OF MAY "NURSES MONTH" IN OHIO

**H.R. No. 238 - Speaker Householder, Representatives Redfern, Cirelli, Gilb, McGregor, Flowers, Boccieri, Harwood, Daniels, Book, Carano, Seaver, J. Stewart, Gibbs, Perry, Ujvagi, D. Stewart, Grendell, Yates, DeGeeter, Miller, Aslanides, Jerse, Oelslager, Driehaus, Beatty, Mason, Reidelbach, DeWine, C. Evans, Raga, Collier, Hagan, Clancy, Willamowski, Hughes, D. Evans, Sykes, Schlichter, Schneider, Brown, S. Patton, Schmidt, Widowfield**

HONORING DR. ROBERT GLIDDEN ON HIS RETIREMENT AS PRESIDENT OF OHIO UNIVERSITY

Add the names: "Allen, Carmichael, Flowers, Hughes, Otterman, Trakas, Walcher, Wilson"

**S. Con. R. No. 28 - Senator Jordan, Representative Faber**

HONORING THE COLDWATER HIGH SCHOOL BOYS VARSITY BOWLING TEAM AS THE 2004 OHIO INDEPENDENT BOWLING CONFERENCE CHAMPION

/s/ GARY CATES

Gary Cates, Vice Chair

Representative Cates moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be approved.

The motion was agreed to.

Representative Trakas moved that majority party members asking leave to be absent or absent the week of Tuesday, May 11, 2004, 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, May 11, 2004, 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. 328**-Representatives Olman, Perry, Brown, Key, Reinhard, Schlichter, Sferra.

To enact section 5533.62 of the Revised Code to name the new Interstate Route 280 bridge spanning the Maumee River in Lucas County the "Veterans' Glass City Skyway," was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Olman moved to amend as follows:

In line 12, correct the spelling of "markers"

The motion was agreed to without objection.

The question being, "Shall the bill as amended 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
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
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-97.

The bill passed.

Representative Olman moved to amend the title as follows:

Add the names: "Bocchieri, Buehrer, Carmichael, Cates, DeBose, C. Evans, Flowers, Gibbs, Grendell, Hollister, Hoops, Hughes, Husted, T. Patton, Redfern, Schmidt, Seitz, G. Smith, J. Stewart, Trakas, Wagner, Webster, Willamowski."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 361**-Representatives Flowers, Niehaus, Olman, Reinhard, Faber, Seitz, Allen, Harwood, Martin, Daniels, Strahorn, Carmichael.

To amend sections 2307.64, 2913.01, 4931.40, 4931.41, 4931.43, 4931.44, 4931.45, 4931.46, 4931.47, 4931.48, 4931.49, 4931.50, 4931.99, and 5733.55; to amend, for the purpose of adopting a new section number as shown in parentheses, section 4931.55 (4931.75); and to enact sections 4931.60 to 4931.70 of the Revised Code to facilitate the provision of wireless enhanced 9-1-1 by local governments, by establishing requirements for operation, administration, and funding, and to permit a wireline telephone company to fund through an existing tax credit nonrecurring rates and charges for an updating or modernization of the wireline network portion of a 9-1-1 system; and to amend the versions of sections 4931.45, 4931.47, and 4931.48 of the Revised Code that are scheduled to take effect December 31, 2004, to continue the provisions of this act on and after that effective date, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Flowers moved that **Sub. H. B. No. 361**-Representative Flowers, et al. , be informally passed and retain its place on the calendar.

The motion was agreed to.

**Sub. H. B. No. 373**-Representatives Kearns, McGregor, Miller, Allen, Carano, Setzer, Hollister, Reidelbach, Schneider, Slaby, S. Smith.

To amend sections 2305.234, 2925.01, 3709.161, 3721.21, 4715.03, 4715.05, 4715.30, 4715.301, 4715.39, 4715.42, and 4715.99 and to enact sections 4715.60 to 4715.68 of the Revised Code to provide for the licensing of expanded function dental auxiliaries, 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 1, 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	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-96.

Representative Brinkman voted in the negative-1.

The bill passed.

Representative Kearns moved to amend the title as follows:

Add the names: "Barrett, Beatty, Brown, Cirelli, DeBose, Domenick, C. Evans, Hartnett, Harwood, Hughes, Key, Price, Schmidt, Seitz, Woodard, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 389**-Representatives Hughes, Schmidt, Schneider, Brown, S. Patton, Price, Otterman, Cirelli, Perry.

To amend section 2913.49 and to enact section 109.94 of the Revised Code to increase the penalty for identity fraud against an elderly person or disabled adult, and to create the Identity Fraud Passport, 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	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	Flowers
Gibbs	Gilb	Grendell	Hagan
Hartnett	Harwood	Hollister	Hoops
Hughes	Husted	Jerse	Kearns
Key	Kilbane	Koziura	Latta
Martin	Mason	McGregor	Miller
Niehaus	Oelslager	Olman	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-95.

Representatives Fessler and Reidelbach voted in the negative-2.

The bill passed.

Representative Hughes moved to amend the title as follows:

Add the names: "Allen, Barrett, Calvert, Carano, Carmichael, Chandler, Clancy, Collier, Daniels, DeBose, DeGeeter, Domenick, C. Evans, D. Evans, Faber, Gibbs, Gilb, Hartnett, Hollister, Key, Kilbane, Latta, Martin, McGregor, Niehaus, Oelslager, T. Patton, Reinhard, Schaffer, Schlichter, Seaver, Setzer, Slaby, G. Smith, S. Smith, D. Stewart, J. Stewart, Walcher, Widener, Willamowski, Wilson, Wolpert, Woodard, Young."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. B. No. 416**-Representatives C. Evans, Calvert, J. Stewart, DeWine, McGregor, Cates, Williams, Latta, Kearns, Setzer, Hughes, Hollister, Hartnett,

Reidelbach, Husted, Gibbs, Willamowski, Schaffer, Schmidt, Seitz, Allen, Perry, D. Evans, Widener, Chandler, Otterman, Skindell, Seaver, Key, Webster, Flowers, Harwood, Strahorn, Walcher, S. Patton, Reinhard, Schlichter, Sferra.

To enact section 5533.62 of the Revised Code to designate the portion of United States Route 35 within Gallia County the "Bob Evans Highway," 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
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
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-97.

The bill passed.

Representative C. Evans moved to amend the title as follows:

Add the names: "Aslanides, Blasdel, Bocchieri, Book, Buehrer, Carano, Carmichael, Cirelli, Daniels, DeBose, Distel, Domenick, Fessler, Hagan, Hoops, Oelslager, Peterson, Raga, Redfern, Slaby."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 431**-Representatives Schneider, Clancy, Peterson, Hollister,

Schmidt, Seitz, Carmichael, Carano, Aslanides, Beatty, Flowers, Barrett, Daniels, Chandler, Gilb, Kearns, Koziura, McGregor, Miller, Olman, Strahorn, Skindell, Woodard, Sferra.

To amend sections 9.98, 9.981, 9.982, 122.63, 133.01, 133.08, 133.081, 133.10, 149.43, 169.05, 173.08, 175.08, 175.09, 175.21, 175.22, 175.23, 175.24, 175.25, 175.26, 176.05, 176.06, 176.07, 319.63, and 1349.11, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 175.08 (175.09), 175.09 (175.10), 175.21 (174.02), 175.22 (174.03), 175.23 (174.04), 175.24 (174.05), 175.25 (174.06), and 175.26 (174.07), to enact new sections 175.01 to 175.08 and 175.11 to 175.13 and section 174.01, and to repeal sections 175.01, 175.02, 175.03, 175.04, 175.041, 175.05, 175.06, 175.07, 175.10, 175.11, 175.12, 175.13, 175.14, and 175.15 of the Revised Code to remove the Ohio Housing Finance Agency from the Department of Development, making the Ohio Housing Finance Agency an independent agency, to make other changes to the Ohio Housing Finance Agency Law, to make certain alternate provisions of the bond issuance law applicable to bonds issued under the Uniform Public Securities Law, to amend the definition of interest rate hedge to allow a requirement that an issuer issue bonds at a future date, and to add to certain financing and credit enhancement techniques applicable to bonds authority for the bond proceedings to provide for the proceeds from the sale of bonds to be held in escrow and invested in United States government securities and used for the purpose of retiring the bonds or other obligations of the bond issuer, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Calvert moved to amend as follows:

In line 1873, delete "one hundred"

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

The motion was agreed to without objection.

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

Representative Raussen moved to amend as follows:

In line 2169, delete "attorneys."

In line 2170, after "contractors" insert ", other than attorneys, whom"

Between lines 2233 and 2234, insert:

"(C) The attorney general shall serve as the legal representative for the Ohio housing finance agency and may appoint special counsel for that purpose in accordance with section 109.07 of the Revised Code."

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

The motion was agreed to without objection.



The question recurring, "Shall the bill as amended 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
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
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-97.

The bill passed.

Representative Schneider moved to amend the title as follows:

Add the names: "Allen, Brown, Cirelli, DeBose, Domenick, C. Evans, Grendell, Key, Oelslager, S. Patton, T. Patton, Price, Slaby, Ujvagi, Wilson."

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.

**Sub. H. B. No. 361**-Representatives Flowers, Niehaus, Olman, Reinhard, Faber, Seitz, Allen, Harwood, Martin, Daniels, Strahorn, Carmichael.

To amend sections 2307.64, 2913.01, 4931.40, 4931.41, 4931.43, 4931.44, 4931.45, 4931.46, 4931.47, 4931.48, 4931.49, 4931.50, 4931.99, and 5733.55; to amend, for the purpose of adopting a new section number as shown in parentheses, section 4931.55 (4931.75); and to enact sections 4931.60 to 4931.70 of the Revised Code to facilitate the provision of wireless enhanced

9-1-1 by local governments, by establishing requirements for operation, administration, and funding, and to permit a wireline telephone company to fund through an existing tax credit nonrecurring rates and charges for an updating or modernization of the wireline network portion of a 9-1-1 system; and to amend the versions of sections 4931.45, 4931.47, and 4931.48 of the Revised Code that are scheduled to take effect December 31, 2004, to continue the provisions of this act on and after that effective date, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

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	Buehrer
Callender	Calvert	Carano	Carmichael
Cates	Chandler	Clancy	Collier
Combs	Daniels	DeBose	DeGeeter
DeWine	Distel	Domenick	Driehaus
Evans C.	Evans D.	Faber	Flowers
Gibbs	Gilb	Hagan	Hartnett
Harwood	Hoops	Husted	Jerse
Kearns	Key	Kilbane	Koziura
Latta	Martin	McGregor	Miller
Niehaus	Oelslager	Olman	Patton S.
Perry	Peterson	Price	Redfern
Reinhard	Schlichter	Schmidt	Schneider
Seaver	Seitz	Setzer	Sferra
Skindell	Slaby	Smith G.	Smith S.
Stewart D.	Strahorn	Sykes	Ujvagi
Wagner	Walcher	Webster	White
Widener	Willamowski	Wilson	Wolpert
			Householder-77.

Those who voted in the negative were: Representatives

Blasdel	Brinkman	Cirelli	Core
Fessler	Grendell	Hollister	Hughes
Mason	Patton T.	Raga	Rausen
Reidelbach	Schaffer	Stewart J.	Trakas
Widowfield	Woodard	Yates	Young-20.

The bill passed.

Representative Flowers moved to amend the title as follows:

Add the names: "Beatty, D. Evans, Hagan, Sferra, Sykes."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 432**-Representatives Webster, McGregor, Wolpert, Niehaus,

Aslanides, Setzer.

To amend sections 3714.01 and 3714.09, to enact new section 3714.07 and section 3714.021, and to repeal section 3714.07 of the Revised Code to replace the construction and demolition debris facility license fee with a fee on the disposal of construction and demolition debris at construction and demolition debris facilities and solid waste facilities, and to revise the definition of "construction and demolition debris," was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Skindell moved to amend as follows:

In line 41, strike through the first "or"

In line 44, after "material" insert "or inorganic arsenical pressure-treated wood, including, without limitation, wood treated with chromate copper arsenate, ammoniacal copper arsenate, or ammoniacal copper zinc arsenate"

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

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	Brinkman
Brown	Buehrer	Callender	Calvert
Carano	Carmichael	Chandler	Cirelli
Clancy	Collier	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	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-95.

Representatives Cates and Combs voted in the negative-2.

The motion was agreed to and the bill so amended.

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

Representative Skindell moved to amend as follows:

In lines 10 and 344, after "sections" insert "1502.02,"; after "3714.01" insert a comma

Between lines 12 and 13, insert:

**"Sec. 1502.02.** (A) There is hereby created in the department of natural resources the division of recycling and litter prevention to be headed by the chief of recycling and litter prevention.

(B) There is hereby created in the state treasury the recycling and litter prevention fund, consisting of moneys distributed to it. Moneys credited to the fund under section 3714.07 of the Revised Code shall be used solely to award grants under section 1502.05 of the Revised Code for construction and demolition debris recycling programs.

(C) The chief of recycling and litter prevention shall do all of the following:

(1) ~~Use~~ Except as provided in division (B) of this section, use moneys credited to the fund exclusively for the purposes set forth in sections 1502.03, 1502.04, and 1502.05 of the Revised Code, with particular emphasis on programs relating to recycling;

(2) Expend for administration of the division not more than ten per cent of any fiscal year's appropriation to the division, excluding the amount assessed to the division for direct and indirect central support charges;

(3) Require recipients of grants under section 1502.05 of the Revised Code, as a condition of receiving and retaining them, to do all of the following:

(a) Create a separate account for the grants and any cash donations received that qualify for the donor credit allowed by section 5733.064 of the Revised Code;

(b) Make expenditures from the account exclusively for the purposes for which the grants were received;

(c) Use any auditing and accounting practices the chief considers necessary regarding the account;

(d) Report to the chief information regarding the amount and donor of cash donations received as described by section 5733.064 of the Revised Code;

(e) Use grants received to supplement and not to replace any existing funding for such purposes.

(4) Report to the tax commissioner information the chief receives pursuant to division (C)(3)(d) of this section.

(D) As used in this section, "construction and demolition debris" has the same meaning as in section 3714.01 of the Revised Code."

In line 113, delete "purpose" and insert "purposes"

In line 115, after "it" insert "and of assisting construction and demolition debris recycling programs"

In line 119, delete "thirty" and insert "thirty-three"

In line 120, delete "sixty" and insert "sixty-six"

In line 169, after the underlined period insert "In addition, not later than forty-five days after the receipt of the money, a board of health shall transmit three cents per cubic yard or six cents per ton, as applicable, to the treasurer of state to be credited to the recycling and litter prevention fund created in section 1502.02 of the Revised Code."

In line 186, after "director" insert "and the treasurer of state"

In line 190, after "director" insert "and the amount established in that division to the treasurer of state"

In line 1 of the title, after "sections" insert "1502.02,"; after "3714.01" insert a comma

In line 8 of the title, after the comma insert "to require that a specified portion of the disposal fee be credited to the Recycling and Litter Prevention Fund for construction and demolition debris recycling programs,"

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

Representative Webster 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 56, nays 41, 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	Grendell
Hagan	Hollister	Hoops	Husted
Kearns	Kilbane	Latta	Martin
Niehaus	Olman	Patton T.	Peterson
Raga	Raussen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seitz	Setzer	Slaby
Smith G.	Trakas	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wolpert	Young	Householder-56.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Carano
Chandler	Cirelli	Collier	DeBose

DeGeeter	Distel	Domenick	Driehaus
Hartnett	Harwood	Hughes	Jerse
Key	Koziura	Mason	McGregor
Miller	Oelslager	Patton S.	Perry
Price	Seaver	Sferra	Skindell
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Ujvagi	Wilson	Woodard
			Yates-41.

The motion to amend was laid on the table.

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

Representative Skindell moved to amend as follows:

In line 11, delete the second "section" and insert "sections"; after "3714.021" insert "and 3714.051"

Between lines 112 and 113, insert:

**"Sec. 3714.051. Each person proposing to open a new construction and demolition debris facility, prior to the submission of an application for an initial license, shall hold a public meeting in the township or municipal corporation, whichever is applicable, where the proposed facility is to be located. The director of environmental protection or the director's designee or the board of health of the health district in which the facility is to be located or the board's designee may attend the public meeting. At least thirty days prior to the public meeting, the person proposing to open a facility shall provide notice of the time, day, and location of the public meeting in a newspaper of general circulation in the locality of the proposed facility and mail a copy of the notice to the director or board of health, whichever is applicable."**

In line 2 of the title, delete the second "section" and insert "sections"; after "3714.021" insert "and 3714.051"

In line 8 of the title, delete "and"

In line 9 of the title, delete the period and insert a comma; after the second quotation mark insert "and to require that a local public meeting be held regarding a proposed construction and demolition debris facility."

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

Representative Webster 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 50, nays 47, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Callender
Calvert	Carmichael	Cates	Clancy
Collier	Combs	Core	Daniels
DeWine	Evans C.	Evans D.	Flowers
Gibbs	Gilb	Hollister	Hoops

Husted	Kearns	Kilbane	Latta
Martin	Olman	Patton T.	Peterson
Raga	Raussen	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seitz
Setzer	Slaby	Smith G.	Trakas
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Wolpert
Young			Householder-50.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocieri
Book	Brinkman	Brown	Carano
Chandler	Cirelli	DeBose	DeGeeter
Distel	Domenick	Driehaus	Faber
Fessler	Grendell	Hagan	Hartnett
Harwood	Hughes	Jerse	Key
Koziura	Mason	McGregor	Miller
Niehaus	Oelslager	Patton S.	Perry
Price	Redfern	Reidelbach	Seaver
Sferra	Skindell	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Ujvagi
Wilson	Woodard		Yates-47.

The motion to amend was laid on the table.

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

Representative Grendell moved the previous question. This motion under House Rule 99 is supported by the following members:

<u>/s/</u> TIMOTHY J. GRENDOLL	<u>/s/</u> CHARLES CALVERT
<u>/s/</u> JIM CARMICHAEL	<u>/s/</u> EARL MARTIN
<u>/s/</u> MIKE GILB	

The question being, "Shall the debate now close?"

The yeas and nays were taken and resulted - yeas 59, nays 38, as follows:

Those who voted in the affirmative were: Representatives

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

Wolpert

Young

Householder-59.

Those who voted in the negative were: Representatives

Barrett	Beatty	Boccieri	Book
Brinkman	Brown	Carano	Chandler
Cirelli	DeBose	DeGeeter	Distel
Domenick	Driehaus	Hagan	Hartnett
Harwood	Jerse	Key	Koziura
Mason	Miller	Patton S.	Perry
Price	Redfern	Seaver	Sferra
Skindell	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Ujvagi	Wilson
Woodard			Yates-38.

The motion was agreed to and the debate closed.

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

The yeas and nays were taken and resulted - yeas 60, nays 37, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Blasdel	Buehrer
Callender	Calvert	Carmichael	Cates
Clancy	Collier	Combs	Core
Daniels	DeBose	DeWine	Evans C.
Evans D.	Faber	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Hollister	Hoops	Hughes	Husted
Kearns	Kilbane	Latta	Martin
McGregor	Niehaus	Oelslager	Olman
Patton T.	Peterson	Raga	Reidelbach
Reinhard	Schlichter	Schmidt	Schneider
Seitz	Setzer	Slaby	Smith G.
Trakas	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Wilson	Wolpert	Young	Householder-60.

Those who voted in the negative were: Representatives

Barrett	Beatty	Boccieri	Book
Brinkman	Brown	Carano	Chandler
Cirelli	DeGeeter	Distel	Domenick
Driehaus	Hartnett	Harwood	Jerse
Key	Koziura	Mason	Miller
Patton S.	Perry	Price	Raussen
Redfern	Schaffer	Seaver	Sferra
Skindell	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Ujvagi	Woodard
			Yates-37.

The bill passed.

Representative Webster moved to amend the title as follows:



Add the name: "Flowers."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 67**-Senators Mumper, Wachtmann, Randy Gardner, DiDonato, Coughlin, Stivers, Austria, Goodman, Carnes, Carey, Schuring, Armbruster, Harris, Jacobson, Spada, White, Amstutz. -Representatives Faber, Aslanides, Gibbs, Carmichael, Distel, Domenick, C. Evans, Niehaus, Reinhard, Schlichter, Seaver, Setzer, Wagner, Walcher, Widener.

To amend section 901.99 and to enact section 901.511 of the Revised Code to prohibit terrorism involving agricultural products or equipment, 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 2, 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
Patton S.	Patton T.	Perry	Peterson
Price	Raga	Raussen	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	Skindell	Slaby	Smith G.
Smith S.	Stewart D.	Stewart J.	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Wilson	Wolpert	Woodard	Yates
Young			Householder-94.

Representatives Redfern and Sykes voted in the negative-2.

The bill passed.

Representative Faber moved to amend the title as follows:

Add the names: "Buehrer, Callender, Carano, Cates, Cirelli, Collier, Core, Daniels, D. Evans, Flowers, Gilb, Grendell, Hagan, Hartnett, Hollister, Hoops, Hughes, Latta, Reidelbach, Willamowski, Wolpert."

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 concurred in the passage of the following bill:

**Sub. H. B. No. 434** - Representatives Calvert, Allen, Barrett, Beatty, D. Evans, Flowers, Hartnett, Hughes, Miller, T. Patton, Schneider, J. Stewart, Strahorn, Aslanides, Chandler, Collier, C. Evans, Otterman, Peterson, Schlichter, Setzer. Senators Harris, Miller, Zurz

To amend sections 183.04 and 183.18 and to enact sections 3313.717 and 3314.16 of the Revised Code and to amend Section 3 of Sub. H.B. 262 of the 125th General Assembly, to amend Sections 41 and 41.09 of Am. Sub. H.B. 95 of the 125th General Assembly, to amend Section 41.13 of Am. Sub. H.B. 95 of the 125th General Assembly, as subsequently amended, and to amend Section 99 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended by Sub. H.B. 262 of the 125th General Assembly, to provide for the distribution of money received by the state pursuant to the Tobacco Master Settlement Agreement by making operating and capital appropriations for the biennium beginning July 1, 2004, and ending June 30, 2006, and to provide authorization and conditions for the operation of state programs.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

Matthew T. Schuler,  
Clerk.

Representative Cates moved that Joint Rule No. 16, be suspended and that the Senate amendments to **Sub. H. B. No. 434**-Representative Calvert, et al., be taken up for immediate consideration.

The motion was agreed to.

The Senate amendments to **Sub. H. B. No. 434**-Representative Calvert, et al., were taken up for consideration.

**Sub. H. B. No. 434**-Representatives Calvert, Allen, Barrett, Beatty, D. Evans, Flowers, Hartnett, Hughes, Miller, T. Patton, Schneider, J. Stewart, Strahorn, Aslanides, Chandler, Collier, C. Evans, Otterman, Peterson, Schlichter, Setzer. -Senators Harris, Miller, Zurz.

To amend sections 183.04 and 183.18 and to enact sections 3313.717 and

3314.16 of the Revised Code and to amend Section 3 of Sub. H.B. 262 of the 125th General Assembly, to amend Sections 41 and 41.09 of Am. Sub. H.B. 95 of the 125th General Assembly, to amend Section 41.13 of Am. Sub. H.B. 95 of the 125th General Assembly, as subsequently amended, and to amend Section 99 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended by Sub. H.B. 262 of the 125th General Assembly, to provide for the distribution of money received by the state pursuant to the Tobacco Master Settlement Agreement by making operating and capital appropriations for the biennium beginning July 1, 2004, and ending June 30, 2006, and to provide authorization and conditions for the operation of state programs.

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

5/12/04

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. 434**-Representative Calvert, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/S/ CHRIS WIDENER  
CHRIS WIDENER  
State Representative  
84th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 86, nays 9, 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	Clancy
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Evans C.	Evans D.	Faber	Fessler
Flowers	Gibbs	Gilb	Hagan
Hartnett	Harwood	Hollister	Hoops
Hughes	Husted	Jerse	Kearns

Key	Kilbane	Koziura	Latta
Martin	Mason	McGregor	Miller
Niehaus	Oelslager	Olman	Patton S.
Patton T.	Perry	Peterson	Price
Raga	Raussen	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seaver	Seitz	Setzer	Sferra
Skindell	Slaby	Smith G.	Smith S.
Stewart D.	Stewart J.	Trakas	Ujvagi
Wagner	Walcher	Webster	White
Widowfield	Willamowski	Wilson	Wolpert
Woodard			Householder-86.

Those who voted in the negative were: Representatives

Brinkman	Cirelli	Domenick	Driehaus
Grendell	Redfern	Sykes	Yates
			Young-9.

The Senate amendments were concurred in.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Sub. H. B. No. 421** - Representatives Schlichter, McGregor, Fessler, Gibbs, Collier, Aslanides, Wolpert, Seaver, Reinhard, Carmichael, Distel, Domenick, C. Evans, Niehaus, Perry, Setzer, Wagner, Widener, Yates, Driehaus, Barrett, Book, Carano, Chandler, Cirelli, Combs, D. Evans, Flowers, Grendell, Hollister, Hoops, Hughes, Schaffer, Schmidt, Seitz, G. Smith, Taylor, Wilson. Senators Roberts, Mumper, Armbruster, Robert Gardner, Jordan, Schuler, Schuring, Spada, Harris, White

To amend sections 926.16, 926.17, 926.18, 926.19, and 926.32 of the Revised Code to revise the statutes governing the Agricultural Commodity Depositors Fund and the Commodity Advisory Commission.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

Matthew T. Schuler,  
Clerk.

Representative Cates moved that Joint Rule No. 16, be suspended and that the Senate amendments to **Sub. H. B. No. 421**-Representative Schlichter, et

al., be taken up for immediate consideration.

The motion was agreed to.

The Senate amendments to **Sub. H. B. No. 421**-Representative Schlichter, et al., were taken up for consideration.

**Sub. H. B. No. 421**-Representatives Schlichter, McGregor, Fessler, Gibbs, Collier, Aslanides, Wolpert, Seaver, Reinhard, Carmichael, Distel, Domenick, C. Evans, Niehaus, Perry, Setzer, Wagner, Widener, Yates, Driehaus, Barrett, Book, Carano, Chandler, Cirelli, Combs, D. Evans, Flowers, Grendell, Hollister, Hoops, Hughes, Schaffer, Schmidt, Seitz, G. Smith, Taylor, Wilson. -Senators Roberts, Mumper, Armbruster, Robert Gardner, Jordan, Schuler, Schuring, Spada, Harris, White.

To amend sections 926.16, 926.17, 926.18, 926.19, and 926.32 of the Revised Code to revise the statutes governing the Agricultural Commodity Depositors Fund and the Commodity Advisory Commission.

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

5/12/04

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. 421**-Representative Schlichter, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/S/ DAVID DANIELS  
DAVID DANIELS  
State Representative  
86th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Boccieri	Book	Brinkman
Brown	Buehrer	Callender	Calvert
Carano	Carmichael	Cates	Chandler

Cirelli	Clancy	Collier	Combs
Core	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	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.	Sykes
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wilson	Wolpert	Woodard
Yates	Young		Householder-95.

The Senate amendments were concurred in.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Sub. H. B. No. 204** - Representatives Wolpert, Gilb, Seitz, McGregor, Collier, Barrett, Allen, Kearns, Seaver, Chandler, Daniels, Cirelli, Domenick, C. Evans, Fessler, Flowers, Olman, Schlichter, Sferra, Skindell, Wagner, Walcher, Carano, DePiero, Distel, Gibbs, Harwood, Hughes, Key, Miller, Niehaus, S. Patton, Raussen, Reidelbach, Schmidt, Schneider, G. Smith, J. Stewart, Sykes. Senators Amstutz, Goodman, Stivers

To amend sections 1.59, 9.08, 9.314, 9.48, 101.691, 113.40, 125.04, 125.072, 149.38, 149.432, 307.12, 341.42, 505.10, 718.07, 721.15, 753.32, 955.013, 1306.16, 2307.64, 3517.10, 3517.106, 3517.11, 5145.31, and 5703.49 and to enact sections 117.111, 304.01, 304.02, 304.03, and 304.04 of the Revised Code to provide for the use of electronic records and signatures by county offices if specified security procedures are adopted, to require the Auditor of State to audit electronic record security procedures adopted by county offices, to create a single definition of the "internet" to be used throughout the Revised Code, to allow a county or township to participate in contract offerings from the federal government, to modify the law governing payment of state expenses by a financial transaction device, to provide notice to county historical societies and other local entities that county records are

being sent to the Ohio Historical Society for potential distribution, to create the Ohio Privacy/Public Access Study Committee, and to amend Section 3.18 of Am. Sub. H.B. 95 of the 125th General Assembly, as subsequently amended, and Section 4 of Am. Sub. H.B. 168 of the 125th General Assembly to delay until July 1, 2005, the effective date of certain sales and use tax sourcing laws that were intended to take effect January 1, 2005, and to authorize vendors to commence destination-based sourcing prior to that effective date.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

Matthew T. Schuler,  
Clerk.

Representative Cates moved that Joint Rule No. 16, be suspended and that the Senate amendments to **Sub. H. B. No. 204**-Representative Wolpert, et al., be taken up for immediate consideration.

The motion was agreed to.

The Senate amendments to **Sub. H. B. No. 204**-Representative Wolpert, et al., were taken up for consideration.

**Sub. H. B. No. 204**-Representatives Wolpert, Gilb, Seitz, McGregor, Collier, Barrett, Allen, Kearns, Seaver, Chandler, Daniels, Cirelli, Domenick, C. Evans, Fessler, Flowers, Olman, Schlichter, Sferra, Skindell, Wagner, Walcher, Carano, DePiero, Distel, Gibbs, Harwood, Hughes, Key, Miller, Niehaus, S. Patton, Raussen, Reidelbach, Schmidt, Schneider, G. Smith, J. Stewart, Sykes. -Senators Amstutz, Goodman, Stivers.

To amend sections 1.59, 9.08, 9.314, 9.48, 101.691, 113.40, 125.04, 125.072, 149.38, 149.432, 307.12, 341.42, 505.10, 718.07, 721.15, 753.32, 955.013, 1306.16, 2307.64, 3517.10, 3517.106, 3517.11, 5145.31, and 5703.49 and to enact sections 117.111, 304.01, 304.02, 304.03, and 304.04 of the Revised Code to provide for the use of electronic records and signatures by county offices if specified security procedures are adopted, to require the Auditor of State to audit electronic record security procedures adopted by county offices, to create a single definition of the "internet" to be used throughout the Revised Code, to allow a county or township to participate in contract offerings from the federal government, to modify the law governing payment of state expenses by a financial transaction device, to provide notice to county historical societies and other local entities that county records are being sent to the Ohio Historical Society for potential distribution, to create the Ohio Privacy/Public Access Study Committee, and to amend Section 3.18 of Am. Sub. H.B. 95 of the 125th General Assembly, as subsequently amended, and Section 4 of Am. Sub. H.B. 168 of the 125th General Assembly

to delay until July 1, 2005, the effective date of certain sales and use tax sourcing laws that were intended to take effect January 1, 2005, and to authorize vendors to commence destination-based sourcing prior to that effective date.

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

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
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
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.
Sykes	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Wilson	Wolpert
Woodard	Yates	Young	Householder-96.

The Senate amendments were concurred in.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Am. Sub. H. B. No. 247** - Representatives T. Patton, Perry, Price, S. Patton, Schlichter, McGregor, Key, Reinhard, Widowfield, Cirelli, Core, Daniels, DeBose, Domenick, Fessler, Flowers, Hoops, Hughes, Jolivette, Kearns, Kilbane, Latta, Martin, Miller, Raussen, Schmidt, Schneider, Setzer, Skindell, S. Smith, J. Stewart, Walcher, Webster, Wilson. Senators Spada, Armbruster, Brady, Robert Gardner, Harris, Roberts, Hagan, DiDonato



To enact sections 4955.41 to 4955.47 of the Revised Code to authorize the establishment of railroad quiet zones by municipal corporations and townships.

With the following additional amendments, in which the concurrence of the House is requested:

In line 85, after "that" delete the balance of the line

Delete line 86

In line 87, delete "public and that"

In line 90, delete "65 F.R. 2230 to 2270" and insert "49 C.F.R. part 222"

Attest:

Matthew T. Schuler,  
Clerk.

Representative Cates moved that Joint Rule No. 16, be suspended and that the Senate amendments to **Am. Sub. H. B. No. 247**-Representative T. Patton, et al., be taken up for immediate consideration.

The motion was agreed to.

The Senate amendments to **Am. Sub. H. B. No. 247**-Representative T. Patton, et al., were taken up for consideration.

**Am. Sub. H. B. No. 247**-Representatives T. Patton, Perry, Price, S. Patton, Schlichter, McGregor, Key, Reinhard, Widowfield, Cirelli, Core, Daniels, DeBose, Domenick, Fessler, Flowers, Hoops, Hughes, Jolivette, Kearns, Kilbane, Latta, Martin, Miller, Raussen, Schmidt, Schneider, Setzer, Skindell, S. Smith, J. Stewart, Walcher, Webster, Wilson. -Senators Spada, Armbruster, Brady, Robert Gardner, Harris, Roberts, Hagan, DiDonato.

To enact sections 4955.41 to 4955.47 of the Revised Code to authorize the establishment of railroad quiet zones by municipal corporations and townships.

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

5/12/04

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 **Am. Sub. H. B. No. 247**-Representative T. Patton, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/S/ JAMIE CALLENDER  
 JAMIE CALLENDER  
 State Representative  
 62nd House District

The request was granted.

The yeas and nays were taken and resulted - yeas 91, nays 3, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brown
Buehrer	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
Oلمان	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.
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wilson	Wolpert	Woodard
Yates	Young		Householder-91.

Representatives Brinkman, Oelslager, and Sykes voted in the negative-3.

The Senate amendments were concurred in.

Representative Cates moved that the House revert to the fifth order of business, being reports of standing and select committees and bills for second consideration.

The motion was agreed to.

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

Representative Harwood submitted the following report:

The standing committee on Civil and Commercial Law to which was referred **Sub. S. B. No. 124**-Senator Amstutz, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: HEALTH CARE WORKERS - MODIFY CIVIL IMMUNITY

/s/ WILLIAM J. SEITZ

/s/ CHRIS WIDENER

/s/ TIMOTHY J. GRENDELL

/s/ JOHN R. WILLAMOWSKI

/s/ ROBERT E. LATTA

/s/ TONY CORE

/s/ JAMIE CALLENDER

The following members voted "NO"

/s/ TODD BOOK

/s/ SANDRA STABILE HARWOOD

/s/ LANCE T. MASON

/s/ JOYCE BEATTY

The report was agreed to.

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

**BILLS FOR THIRD CONSIDERATION**

Representative Cates moved that House Rule 65, pertaining to bills being placed on the calendar, be suspended and that **Sub. S.B. No. 124**-Senator Amstutz, et al. be taken up for immediate consideration the third time.

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

The yeas and nays were taken and resulted - yeas 61, nays 35, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Blasdel	Buehrer
Callender	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
Kilbane	Latta	Martin	McGregor
Niehaus	Oelslager	Olman	Patton T.
Peterson	Raga	Raussen	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seitz	Setzer	Slaby
Smith G.	Stewart J.	Trakas	Wagner
Walcher	Webster	White	Widener

Widowfield	Willamowski	Wolpert	Young Householder-61.
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Those who voted in the negative were: Representatives

Barrett	Beatty	Boccieri	Book
Brinkman	Brown	Carano	Chandler
Cirelli	DeBose	DeGeeter	Distel
Domenick	Driehaus	Hartnett	Harwood
Jerse	Key	Koziura	Mason
Miller	Patton S.	Perry	Price
Redfern	Seaver	Sferra	Skindell
Smith S.	Stewart D.	Sykes	Ujvagi
Wilson	Woodard		Yates-35.

The motion was agreed to.

**Sub. S. B. No. 124**-Senators Amstutz, Nein, Randy Gardner, Carey, Jacobson, Spada, Blessing, Stivers, Austria, Harris, Mumper.

To amend sections 1701.76, 1701.82, 2305.113, 2305.234, 3719.81, 4713.02, 4715.42, 4723.01, 4723.03, 4723.28, 4723.43, 4723.44, 4723.48, 4723.482, 4729.01, and 4731.22 and to enact section 2307.97 of the Revised Code to modify the civil immunity for health care professionals and health care workers, to specify the nurses who may refer to themselves as advanced practice nurses, to eliminate obsolete references to pilot programs for advanced practice nurses, to establish limitations on successor asbestos-related liabilities relating to corporations, and to require the State Dental Board to issue volunteer certificates to retired dental practitioners upon submission of a complete application, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Callender moved to amend as follows:

In line 2639, delete "altered" and insert "impaired"

In line 2640, delete "alteration" and insert "impairment"

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

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	Boccieri	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
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.
Sykes	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Wilson	Wolpert
Woodard	Yates	Young	Householder-96.

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 78, nays 18, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Boccieri	Brinkman	Brown	Buehrer
Callender	Calvert	Carano	Carmichael
Cates	Chandler	Clancy	Collier
Combs	Core	Daniels	DeBose
DeWine	Distel	Driehaus	Evans C.
Evans D.	Faber	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Hartnett	Harwood	Hollister	Hoops
Hughes	Husted	Jerse	Kearns
Kilbane	Latta	Martin	McGregor
Niehaus	Oelslager	Patton T.	Perry
Peterson	Raga	Raussen	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	Slaby	Smith G.	Stewart D.
Stewart J.	Trakas	Ujvagi	Wagner
Webster	White	Widener	Widowfield
Willamowski	Wilson	Wolpert	Woodard
Young			Householder-78.

Those who voted in the negative were: Representatives

Beatty	Book	Cirelli	DeGeeter
Domenick	Key	Koziura	Mason
Miller	Olman	Patton S.	Price
Redfern	Skindell	Smith S.	Sykes
Walcher			Yates-18.

The bill passed.

Representative Seitz moved to amend the title as follows:

Add the names: Representatives Allen, Cates, Clancy, Collier, Flowers, Gibbs, Martin, Peterson, Reinhard, Schaffer, Schlichter, Schmidt, Schneider, Setzer, G. Smith, Widener, Widowfield, Young.

Remove the name: Cirelli

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Miller, the House recessed.

The House met pursuant to recess.

Representative Cates moved that the House revert to the fifth order of business, being reports of standing and select committees and bills for second consideration.

The motion was agreed to.

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

Representative Harwood submitted the following report:

The standing committee on Civil and Commercial Law to which was referred **H. B. No. 342**-Representative Widener, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SILICA AND MIXED DUST DISEASE CLAIMS

/s/ WILLIAM J. SEITZ

/s/ CHRIS WIDENER

/s/ TIMOTHY J. GRENDALL

/s/ ROBERT E. LATTA

/s/ TONY CORE

/s/ TODD BOOK

/s/ SANDRA STABILE HARWOOD

/s/ JOHN R. WILLAMOWSKI

The following members voted "NO"

/s/ JAMIE CALLENDER

/s/ LANCE T. MASON

/s/ JOYCE BEATTY

The report was agreed to.

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

### **BILLS FOR THIRD CONSIDERATION**

Representative Cates moved that House Rule 65, pertaining to bills being placed on the calendar, be suspended and that **Sub. H.B. No. 342**-Representative Widener be taken up for immediate consideration the third

time.

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

The yeas and nays were taken and resulted - yeas 58, nays 34, as follows:

Those who voted in the affirmative were: Representatives

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

Those who voted in the negative were: Representatives

Barrett	Beatty	Bocchieri	Book
Brown	Carano	Chandler	Cirelli
DeGeeter	Distel	Domenick	Driehaus
Fessler	Hartnett	Harwood	Jerse
Key	Koziura	Mason	Miller
Oelslager	Patton S.	Perry	Price
Redfern	Sferra	Skindell	Smith S.
Stewart D.	Stewart J.	Sykes	Ujvagi
Wilson			Yates-34.

The motion was agreed to.

**Sub. H. B. No. 342**-Representative Widener.

To amend section 2505.02 and to enact sections 2307.84 to 2307.90, 2307.901, and 2307.902 of the Revised Code to establish minimum medical requirements for filing certain silicosis claims or mixed dust disease claims, to establish premises liability in relation to those claims, to specify a plaintiff's burden of proof in tort actions involving exposure to silica or mixed dust, and to prescribe the requirements for shareholder liability for silicosis claims or mixed dust disease claims under the doctrine of piercing the corporate veil, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 64, nays 32, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Blasdel	Bocieri
Book	Brinkman	Buehrer	Callender
Calvert	Carmichael	Cates	Clancy
Combs	Core	Daniels	DeWine
Distel	Driehaus	Evans D.	Faber
Fessler	Flowers	Gibbs	Gilb
Grendell	Hagan	Hartnett	Hoops
Hughes	Husted	Kearns	Kilbane
Latta	Martin	McGregor	Niehaus
Oلمان	Patton T.	Peterson	Raga
Rausen	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Slaby
Smith G.	Trakas	Wagner	Webster
White	Widener	Widowfield	Willamowski
Wilson	Wolpert	Young	Householder-64.

Those who voted in the negative were: Representatives

Barrett	Beatty	Brown	Carano
Chandler	Cirelli	Collier	DeBose
DeGeeter	Domenick	Evans C.	Harwood
Hollister	Jerse	Key	Koziura
Mason	Miller	Oelslager	Patton S.
Perry	Price	Redfern	Skindell
Smith S.	Stewart D.	Stewart J.	Sykes
Ujvagi	Walcher	Woodard	Yates-32.

The bill passed.

Representative Widener moved to amend the title as follows:

Add the names: "Daniels, Flowers, Schaffer, Schmidt, Setzer, G. Smith, Widowfield."

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 Thursday, May 13, 2004 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.