

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

**CORRECTED VERSION**  
**WEDNESDAY, MAY 26, 2004**

ONE HUNDRED EIGHTY-SECOND DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, May 26, 2004 at 1:30 o'clock p.m.**

The House met pursuant to adjournment.

Prayer was offered by Reverend Ralph Clay of the Christ's Community Church of Portsmouth, 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:

Shawn Kitchen, a guest of Representative Schaffer - 5th district.

Madeline Cain and Bryan Flannery, guests of Representative Skindell - 13th district.

Janelle Marie Coutts, a guest of Representative Otterman - 45th district.

John Hagan Jr., son, Representative Hagan - 50th district.

Matthew Brown, a guest of Representative D. Evans - 71st district.

Kevin Bollinger, a guest of Representative Hoops - 75th district.

Students from St. Mary's School, guests of Representative Wagner - 81st district.

Dick Babb, a guest of Representative Daniels - 86 district.

Lynn Baird, Allison Burnham, and Tabby Stamper, guests of Representative Niehaus - 88th district.

Marilyn Clay, a guest of Representative Book - 89th district.

### INTRODUCTION OF BILLS

The following bills were introduced:

**H. B. No. 510**-Representatives Flowers, Willamowski, Husted, J. Stewart, Seitz, Otterman, Skindell, DeGeeter, Faber.

To enact section 5.2228 of the Revised Code designating September 11 as "Ohio Public Safety Employee Day."

**H. B. No. 511**-Representatives McGregor, Schaffer, Gilb, Webster.

To amend sections 3333.04, 3333.06, 3333.07, 3333.10, 3333.13, and 3333.99 of the Revised Code to expand the authority of the Ohio Board of Regents to regulate the programs and resources of state institutions of higher education.

**H. B. No. 512**-Representative Schneider.

To amend section 3953.23 and to enact sections 1349.24 and 3953.32 of the Revised Code to require title insurance agents to notify purchasers of the availability of owner's title insurance when issuing lender's title insurance in conjunction with a residential mortgage loan and to explain what owner's title insurance covers, to require title insurance agents to maintain errors and omissions insurance, and to authorize title insurers to issue settlement protection.

Said bills were considered the first time.

**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 that they be made a special order of business for Tuesday, November 30, 2004.

The motion was agreed to without objection.

The Senate amendments to **Am. Sub. H. B. No. 183**-Representative Daniels, et al., were taken up for consideration.

**Am. Sub. H. B. No. 183**-Representatives Daniels, Allen, C. Evans, Seitz, Setzer, Raga, Ujvagi, Young, McGregor, Barrett, Carano, Cates, Chandler, Cirelli, Clancy, DeBose, Domenick, Jolivette, Niehaus, Olman, T. Patton, Schaffer, Schlichter, Schmidt, Webster, Yates. -Senators Fedor, Prentiss, Nein, Carey, Padgett, Zurz, DiDonato, Austria.

To amend sections 121.083, 3781.10, 3781.19, 4123.01, and 4123.291; to enact new sections 4104.41, 4104.42, 4104.43, 4104.44, and 4104.45 and sections 4125.01 to 4125.09 and 4125.99; and to repeal sections 4104.41, 4104.42, 4104.43, 4104.44, 4104.45, and 4104.47 of the Revised Code and to amend Section 3 of Sub. H.B. 75 of the 124th General Assembly to register professional employer organizations for purposes of enforcing compliance with workers' compensation laws, to extend the time period wherein the Administrator of Workers' Compensation is permitted to grant immediate allowance of specified medical conditions, to exclude from required workers' compensation coverage an individual incorporated as a corporation, and to adopt a new Ohio pressure piping law.

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

The yeas and nays were taken and resulted - yeas 98, nays 1, 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	Taylor
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wilson	Wolpert	Woodard
Yates			Householder-98.

Representative Young voted in the negative-1.

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 322**-Representative Widener, et al., were taken up for consideration.

**Sub. H. B. No. 322**-Representatives Widener, Hollister, Kilbane, Taylor, Otterman, Allen, Barrett, Book, Carmichael, Chandler, Cirelli, Collier, Daniels, C. Evans, Flowers, Hoops, Key, Olman, S. Patton, Schlichter, Setzer, J. Stewart, Webster. -Senators Coughlin, Miller.

To amend sections 4733.15 and 4733.16 and to enact section 4733.151 of the Revised Code to increase the annual renewal of registration fee for professional engineers and professional surveyors, to implement continuing professional development requirements for registration renewals of professional engineers and surveyors beginning in calendar year 2008, and to modify requirements concerning the type of professional designated to be responsible for decisions of a professional engineering or professional surveying business.

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

5-26-04

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

Sincerely yours,

/S/ TIMOTHY O. SCHAFFER  
TIMOTHY O. SCHAFFER  
State Representative  
5th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 13, nays 85, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Brinkman	Clancy	Driehaus
Hoops	Price	Rausen	Seitz
Webster	White	Woodard	Young
			Householder-13.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Blasdel
Bocchieri	Book	Brown	Buehrer
Callender	Calvert	Carano	Carmichael
Cates	Chandler	Cirelli	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Domenick
Evans C.	Evans D.	Faber	Fessler
Flowers	Gibbs	Gilb	Grendell
Hagan	Hartnett	Harwood	Hollister
Hughes	Husted	Jerse	Kearns
Key	Kilbane	Koziura	Latta
Martin	Mason	McGregor	Miller
Niehaus	Oelslager	Olman	Otterman
Patton S.	Patton T.	Perry	Peterson
Raga	Redfern	Reidelbach	Reinhard
Schlichter	Schmidt	Schneider	Seaver
Setzer	Sferra	Skindell	Slaby
Smith G.	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Taylor	Trakas
Ujvagi	Wagner	Walcher	Widener
Widowfield	Willamowski	Wilson	Wolpert
			Yates-85.

The Senate amendments were not concurred in.

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

Representative Yates submitted the following report:

The standing committee on Criminal Justice to which was referred **Am. Sub. S. B. No. 146**-Senator Austria, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: UNAUTH COMPUTER/TELCOM USE/HACKING - PROHIBIT

Representative Latta moved to amend the title as follows:

Add the names: "Representatives Collier, Willamowski, D. Evans, Faber, Barrett."

ROBERT E. LATTA  
WILLIAM J. SEITZ  
STEPHEN BUEHRER  
DAVID R. EVANS  
TIMOTHY J. GRENDALL  
TYRONE K. YATES  
JAMIE CALLENDER  
TIMOTHY J. DEGEETER  
CATHERINE L. BARRETT

THOM COLLIER  
JOHN R. WILLAMOWSKI  
KEITH L. FABER  
MIKE GILB  
SHIRLEY A. SMITH  
EDWARD JERSE  
ANNIE L. KEY  
LANCE T. MASON

The report was agreed to.

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

Representative Distel submitted the following report:

The standing committee on Commerce and Labor to which was referred **H. B. No. 424**-Representative McGregor, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: POST-SECONDARY ENROLLMENT OPTIONS - CHANGES

SALLY CONWAY KILBANE  
DALE MILLER  
TIMOTHY O. SCHAFFER  
THOM COLLIER  
RON YOUNG

L. GEORGE DISTEL  
DAN STEWART  
TIMOTHY J. DEGEETER  
JIM MCGREGOR  
COURTNEY COMBS

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 **Sub. S. B. No. 115**-Senator Robert Gardner, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: COUNTY/REGIONAL PLANNING COMM'NS-PROCEDURE

LARRY L. WOLPERT  
JOHN SCHLICHTER  
KATHLEEN CHANDLER  
TIMOTHY J. DEGEETER  
MICHAEL J. SKINDELL

LYNN E. OLMAN  
KATHLEEN WALCHER  
DANIEL J. SFERRA  
JIM MCGREGOR  
CLYDE EVANS

COURTNEY COMBS  
DAVID DANIELS

LARRY L. FLOWERS  
THOM COLLIER

The following members voted "NO"

DIANA M. FESSLER  
MARY M. CIRELLI

JOHN DOMENICK

The report was agreed to.

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

Representative Hartnett submitted the following report:

The standing committee on Education to which was referred **Sub. S. B. No. 79**-Senator Stivers, et al., having had the same under consideration, reports it back and recommends its passage.

RE: BD OF ED ELECTIONS - ADOPT MUNI NOM PROCEDURE

Representative Setzer moved to amend the title as follows:

Add the names: "Representatives Setzer, Carano, Chandler, C. Evans."

STEVE REINHARD  
ARLENE J. SETZER  
WILLIAM J. HARTNETT  
MERLE GRACE KEARNS  
MICHAEL DEBOSE  
L. GEORGE DISTEL  
KATHLEEN CHANDLER  
KEVIN DEWINE  
CLAUDETTE J. WOODARD

JAMIE CALLENDER  
SHAWN N. WEBSTER  
JAMES M. HOOPS  
CLYDE EVANS  
DERRICK SEAVER  
KENNETH A. CARANO  
MARILYN SLABY  
MARY TAYLOR

The following members voted "NO"

W. SCOTT OELSLAGER  
LINDA REIDELBACH

TYRONE K. YATES  
DIANA M. FESSLER

The report was agreed to.

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

Representative Hartnett submitted the following report:

The standing committee on Education to which was referred **H. B. No. 415**-Representative Faber, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SCHOOLS DISPLAY OHIO AND US MOTTOS

Representative Setzer moved to amend the title as follows:

Add the names: "Setzer, Hoops, Reinhard, Taylor, Fessler."

ARLENE J. SETZER  
SHAWN N. WEBSTER  
JAMES M. HOOPS  
CLYDE EVANS  
DERRICK SEAVER  
MARILYN SLABY  
DIANA M. FESSLER  
LINDA REIDELBACH

JAMIE CALLENDER  
WILLIAM J. HARTNETT  
MERLE GRACE KEARNS  
W. SCOTT OELSLAGER  
L. GEORGE DISTEL  
STEVE REINHARD  
KEVIN DEWINE  
MARY TAYLOR

The following members voted "NO"

TYRONE K. YATES  
KENNETH A. CARANO  
CLAUDETTE J. WOODARD

MICHAEL DEBOSE  
KATHLEEN CHANDLER

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

RE: CHICKEN POX - REQUIRE STUDENT IMMUNIZATION

Representative White moved to amend the title as follows:

Add the names: "Harwood, Martin, Beatty, DeBose, S. Smith, Barrett."

LYNN E. OLMAN  
SANDRA STABILE HARWOOD  
JAMES M. HOOPS  
MARILYN SLABY  
EARL MARTIN  
MICHAEL DEBOSE  
LARRY PRICE  
SHIRLEY A. SMITH

MICHELLE G. SCHNEIDER  
NANCY P. HOLLISTER  
CHARLES R. BLASDEL  
TYRONE K. YATES  
CATHERINE L. BARRETT  
JOYCE BEATTY  
MERLE GRACE KEARNS  
JOHN J. WHITE

The following members voted "NO"

GEOFFREY C. SMITH  
MARY M. CIRELLI

LINDA REIDELBACH

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

RE: MAMMOGRAPHY BENEFIT CAP

Representative White moved to amend the title as follows:

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

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

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 **Sub. S. B. No. 43**-Senator Spada, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: HEALTH CARE PLANS - UNIFORM PRESCRIPTION CARD

Representative White moved to amend the title as follows:

Add the names: "Representatives Barrett, Combs, DeBose, Beatty, S. Smith, Harwood, G. Smith, Hoops, Reidelbach."

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

The report was agreed to.

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

Representative Otterman submitted the following report:

The standing committee on Homeland Security, Engineering, and Architectural Design to which was referred **H. B. No. 175**-Representative Buehrer, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: STATEWIDE UNIFORM RESIDENTIAL BUILDING CODE

Representative Schaffer moved to amend the title as follows:

Add the names: "Kilbane, Hagan, Taylor."

CHRIS WIDENER	JIMMY STEWART
JEANINE PERRY	DIXIE J. ALLEN
MARY TAYLOR	JOHN A. BOCCIERI
MICHAEL J. SKINDELL	SALLY CONWAY KILBANE
JOHN P. HAGAN	ROBERT J. OTTERMAN
TIMOTHY O. SCHAFFER	

The following members voted "NO"

DIANA M. FESSLER	JEFF WAGNER
------------------	-------------

The report was agreed to.

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

Representative Otterman submitted the following report:

The standing committee on Homeland Security, Engineering, and Architectural Design to which was referred **Sub. S. B. No. 179**-Senator Nein, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: BACKFLOW/PREFAB FIREPLACE CONTRACTORS - LICENSE

Representative Schaffer moved to amend the title as follows:

Add the name: "Representative Hagan."

JIMMY STEWART	DIANA M. FESSLER
JEANINE PERRY	DIXIE J. ALLEN
JOHN P. HAGAN	JOHN A. BOCCIERI
MICHAEL J. SKINDELL	MARY TAYLOR
SALLY CONWAY KILBANE	JEFF WAGNER
ROBERT J. OTTERMAN	TIMOTHY O. SCHAFFER

The following member voted "NO"

CHRIS WIDENER

The report was agreed to.

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

Representative DeGeeter submitted the following report:

The standing committee on Juvenile and Family Law to which was referred **H. B. No. 265**-Representative Faber, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: STUDENT DISCIPLINE/LIMIT LIABILITY

Representative Gilb moved to amend the title as follows:

Add the names: "Willamowski, Gilb."

NANCY P. HOLLISTER  
MARILYN SLABY  
LINDA REIDELBACH  
KATHLEEN WALCHER

JOHN WIDOWFIELD  
JOHN R. WILLAMOWSKI  
MIKE GILB

The following members voted "NO"

MICHAEL J. SKINDELL  
TIMOTHY J. DEGEETER

SANDRA STABILE HARWOOD  
SHIRLEY A. SMITH

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 **H. C. R. No. 42**-Representative Reidelbach, et al., having had the same under consideration, reports it back and recommends its adoption.

RE: ARMED FORCES RESERVES - HEALTH CARE

Representative Carmichael moved to amend the title as follows:

Add the names: "Buehrer, Flowers, Key, Clancy, S. Patton, Mason, Brown, Carmichael."

JON M. PETERSON  
JAMES PETER TRAKAS  
STEPHEN BUEHRER  
LANCE T. MASON  
PATRICIA M. CLANCY  
LARRY L. FLOWERS

SYLVESTER D. PATTON  
GARY W. CATES  
ANNIE L. KEY  
EDNA BROWN  
KEVIN DEWINE  
JIM CARMICHAEL

The report was agreed to.

The concurrent resolution 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 **H. B. No. 426**-Representative Ujvagi, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: ACTIVE MILITARY DUTY - BENEFITS

Representative Carmichael moved to amend the title as follows:

Add the names: "D. Stewart, Key, Mason, Trakas, Clancy."

JON M. PETERSON	JAMES PETER TRAKAS
GARY W. CATES	LANCE T. MASON
EDNA BROWN	DAN STEWART
ANNIE L. KEY	PATRICIA M. CLANCY
LARRY L. FLOWERS	KEVIN DEWINE
JIM CARMICHAEL	STEPHEN BUEHRER

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 **H. B. No. 467**-Representative Hughes, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: FRATERNAL ORGANIZATIONS - REAL PROPERTY TAX EXEMPT

Representative Carmichael moved to amend the title as follows:

Add the name: "Peterson."

Representative Clancy moved to amend as follows:

In line 41, after "lodge" insert ", council, or grange"

In line 42, after "section" insert "501(c)(5), 501(c)(8), or"

In line 46, delete "chartered by" and insert "operating in"; after "state" insert "with a state governing body"

The motion was agreed to and the bill so amended.

JON M. PETERSON	JAMES PETER TRAKAS
GARY W. CATES	STEPHEN BUEHRER
PATRICIA M. CLANCY	LANCE T. MASON
EDNA BROWN	SYLVESTER D. PATTON
JIM CARMICHAEL	

The following members voted "NO"

KEVIN DEWINE	LARRY L. FLOWERS
--------------	------------------

ANNIE L. KEY

The report was agreed to.

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

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. 495 - Representative Sferra, et al**

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

To the committee on Ethics and Elections subcommittee of State Government

**H.B. No. 496 - Representative Yates, et al**

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

To the committee on Criminal Justice

**H.B. No. 497 - Representative D. Stewart, et al**

TO MODIFY COVERAGE OF THE PUBLIC EMPLOYEES' COLLECTIVE BARGAINING LAW WITH RESPECT TO TOWNSHIP AND VILLAGE FIRE DEPARTMENTS

To the committee on Commerce and Labor

**H.B. No. 498 - Representative Faber, et al**

TO REPLACE THE EXISTING STATUTORY PROVISIONS ON EMPLOYMENT INTENTIONAL TORTS WITH A REQUIREMENT THAT THE PLAINTIFF IN A CIVIL ACTION BASED ON AN EMPLOYMENT INTENTIONAL TORT PROVE THAT THE EMPLOYER ACTED WITH INTENT TO INJURE ANOTHER OR IN THE BELIEF THAT THE INJURY WAS SUBSTANTIALLY CERTAIN TO OCCUR

To the committee on Commerce and Labor

**H.B. No. 499 - Representative Chandler, et al**

TO MAKE A SEAT BELT VIOLATION A PRIMARY OFFENSE THAT IS

ENFORCEABLE IN THE SAME MANNER AS ANY OTHER TRAFFIC OFFENSE

To the committee on Criminal Justice

**H.B. No. 500 - Representative Hollister, et al**

TO PROHIBIT STATE AGENCIES FROM CONVEYING REAL ESTATE TO THE GENERAL PUBLIC UNLESS THE POLITICAL SUBDIVISIONS IN WHICH THE REAL ESTATE IS LOCATED HAVE HAD AN OPPORTUNITY TO ACQUIRE THE REAL ESTATE

To the committee on State Government

**H.B. No. 501 - Representative Hoops, et al**

TO IDENTIFY MATTERS THAT MUST BE ADDRESSED IN RULES GOVERNING DEPARTMENT OF JOB AND FAMILY SERVICES-ADMINISTERED MEDICAID HOME AND COMMUNITY-BASED SERVICES PROGRAMS

To the committee on Health

**H.B. No. 502 - Representative Hughes**

TO ADD ONE ADDITIONAL JUDGE FOR THE GENERAL DIVISION OF THE FRANKLIN COUNTY COURT OF COMMON PLEAS TO BE ELECTED IN 2004

To the committee on Judiciary

**H.B. No. 503 - Representative Hughes**

TO DESIGNATE MAY AS OHIO CYSTIC FIBROSIS AWARENESS MONTH

To the committee on State Government

**H.B. No. 504 - Representative Slaby**

TO CLARIFY WHAT CONSTITUTES VISUAL REPRESENTATIONS OF A MINOR FOR PROSECUTIONS OF "PANDERING OBSCENITY INVOLVING A MINOR," "PANDERING SEXUALLY ORIENTED MATTER INVOLVING A MINOR," AND "ILLEGAL USE OF A MINOR IN A NUDITY-ORIENTED MATERIAL OR PERFORMANCE."

To the committee on Juvenile and Family Law

**H.B. No. 505 - Representative C. Evans, et al**

TO SPECIFY A NEW METHOD OF CALCULATING A SCHOOL DISTRICT'S PORTION OF THE COST OF A STATE-ASSISTED CLASSROOM FACILITIES ACQUISITION PROJECT FOR CERTAIN DISTRICTS THAT HAVE A COMBINATION OF RELATIVELY HIGH VALUATIONS PER PUPIL AND RELATIVELY LOW MEDIAN INCOMES

To the committee on Education

**H.B. No. 506 - Representative Schaffer**

TO DESIGNATE THE THIRD WEEK OF OCTOBER "BIOSCIENCE AWARENESS WEEK IN OHIO."

To the committee on State Government

**H.B. No. 507 - Representative J. Stewart**

TO REQUIRE PUBLIC AUTHORITIES, CONTRACTORS, AND SUBCONTRACTORS TO OBTAIN PROOF OF COMPLIANCE WITH SPECIFIED LAWS FROM CONTRACTORS, SUBCONTRACTORS, AND LOWER TIER SUBCONTRACTORS BEFORE CONTRACTING FOR PUBLIC IMPROVEMENTS, TO PROHIBIT THE APPROVAL OF BUILDING PLANS WITHOUT PROOF OF COMPLIANCE WITH SPECIFIED LAWS, AND TO ESTABLISH CRIMINAL PENALTIES FOR CONTRACTORS AND SUBCONTRACTORS WHO CONTRACT WITH SUBCONTRACTORS AND LOWER TIER SUBCONTRACTORS WHO VIOLATE SPECIFIED LAWS AND FOR EMPLOYERS WHO EMPLOY ILLEGAL ALIENS

To the committee on Commerce and Labor

**H.B. No. 508 - Representative Reinhard, et al**

TO CREATE OHIO CATTLEMEN'S FOUNDATION BEEF LICENSE PLATES AND TO PROVIDE THAT MONEY FROM CONTRIBUTION FOR THE LICENSE PLATES BE USED TO PAY FOR SCHOLARSHIPS AND OTHER EDUCATIONAL ACTIVITIES OF THE OHIO CATTLEMEN'S FOUNDATION

To the committee on Transportation and Public Safety

**H.B. No. 509 Representative Schlichter**

TO GRANT HIGH SCHOOL DIPLOMAS TO CERTAIN VETERANS OF THE VIETNAM CONFLICT

To the committee on Education

**S.B. No. 156 - Senator Jordan, et al**

TO DESIGNATE STATE ROUTE 48 THE "U.S.A.F. PARARESCUE MEMORIAL PARKWAY."

To the committee on Transportation and Public Safety

**Sub. S.B. No. 202 - Senator Mumper, et al**

TO REVISE THE LAWS GOVERNING THE INSPECTION OF MEAT AND POULTRY, CLAIMS FOR INJURIES TO CERTAIN ANIMALS BY COYOTES OR BLACK VULTURES, DAIRIES, AGRICULTURAL EASEMENTS, AND APPLICATIONS CONCERNING NEW DRUGS, TO AUTHORIZE SOIL AND WATER CONSERVATION DISTRICTS TO ACQUIRE AGRICULTURAL EASEMENTS, AND TO AUTHORIZE A BOARD OF TOWNSHIP TRUSTEES TO ENTER INTO A CONTRACT WITH A SOIL AND WATER CONSERVATION DISTRICT, WITHOUT ADVERTISING OR BIDDING, FOR THE PURCHASE OF SERVICES

To the committee on Agriculture and Natural Resources

GARY W. CATES  
JIM CARMICHAEL  
LARRY L. FLOWERS  
THOMAS F. PATTON

CHARLES CALVERT  
PATRICIA M. CLANCY  
JIM HUGHES  
JON M. PETERSON

JOHN SCHLICHTER  
KATHLEEN WALCHER  
DIXIE J. ALLEN  
ROBERT J. OTTERMAN

JAMES PETER TRAKAS  
CHRIS REDFERN  
KENNETH A. CARANO  
CHARLES A. WILSON

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 House Bills and Senate Bills contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

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

### MOTIONS AND RESOLUTIONS

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

**S. Con. R. No. 29 - Senator Jordan, Representative Faber**

HONORING THE PREBLE SHAWNEE HIGH SCHOOL  
CHEERLEADING SQUAD AS A 2004 DIVISION III CHEERLEADING  
CHAMPION

Add the names: "Beatty, Hughes"

**S. Con. R. No. 30 - Senator Jordan, Representative Faber**

HONORING THE MARION LOCAL HIGH SCHOOL CHEERLEADING  
SQUAD AS A 2004 DIVISION IV STATE CHEERLEADING AND  
DANCE CHAMPION

Add the names: "Beatty, Hughes"

/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 25, 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 25, 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**

**Sub. S. B. No. 43**-Senators Spada, Robert Gardner, Blessing, Coughlin, Schuring, Jacobson, Fingerhut, DiDonato, Wachtmann, Harris, Schuler, Dann, Armbruster, Brady, Fedor, Hagan, Mallory, Roberts, Zurz. -Representatives Barrett, Combs, DeBose, Beatty, S. Smith, Harwood, G. Smith, Hoops, Reidelbach.

To amend section 3917.01 and to enact sections 1739.061, 1751.111, 3923.601, and 3923.83 of the Revised Code to require the inclusion of specified pharmacy benefits information when health insurers issue or require the use of standardized identification cards or electronic technology for submission of claims and to amend the definition of "group life insurance" to mean life insurance covering not less than two, rather than not less than ten, employees, 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 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	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	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	Taylor	Trakas	Ujvagi
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Wilson
Wolpert	Woodard	Yates	Young
			Householder-97.

Representatives Chandler and Grendell voted in the negative-2.

The bill passed.

Representative White moved to amend the title as follows:

Add the names: "Representatives Buehrer, Carano, Clancy, Collier, Distel, Domenick, C. Evans, Flowers, Hagan, Hartnett, Hughes, Key, Kilbane, McGregor, Miller, Oelslager, Olman, Otterman, T. Patton, Price, Schmidt, Sferra, Slaby, J. Stewart, Taylor, Walcher, Wilson, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 79**-Senators Stivers, Mumper, Miller. -Representatives Setzer, Carano, Chandler, C. Evans.

To amend sections 3513.254 and 3513.255 and to enact section 3513.256 of the Revised Code to permit boards of education and governing boards of educational service centers to adopt, for the purpose of nominating candidates for those boards, procedures for a nonpartisan primary election, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 88, nays 11, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Chandler	Cirelli	Clancy
Collier	Combs	Core	DeBose
DeGeeter	DeWine	Distel	Domenick
Driehaus	Evans C.	Evans D.	Faber
Flowers	Gibbs	Gilb	Hagan
Hartnett	Harwood	Hoops	Hughes
Husted	Jerse	Kearns	Key
Kilbane	Koziura	Latta	Martin
Mason	McGregor	Miller	Niehaus
Olman	Otterman	Patton S.	Patton T.
Perry	Peterson	Price	Raga
Rausen	Redfern	Reinhard	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Sferra	Skindell	Slaby
Smith G.	Smith S.	Stewart D.	Stewart J.
Strahorn	Taylor	Trakas	Ujvagi
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Wilson
Wolpert	Woodard	Young	Householder-88.

Those who voted in the negative were: Representatives

Brinkman	Cates	Daniels	Fessler
Grendell	Hollister	Oelslager	Reidelbach
Schmidt	Sykes		Yates-11.

The bill passed.

Representative Setzer moved to amend the title as follows:

Add the names: "Cirelli, Domenick, Flowers, Key, Otterman, Price, Slaby, G. Smith, Wolpert."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 146**-Senators Austria, Harris, Randy Gardner, Schuring, Goodman, Robert Gardner, Jacobson, Stivers, Amstutz, Brady, Spada. -Representatives Collier, Willamowski, D. Evans, Faber, Barrett.

To amend sections 2901.04, 2909.01, 2909.04, 2909.07, 2913.01, and 2913.04 of the Revised Code to expand "disrupting public services" to specifically prohibit the use of a computer, another specified type of device or the Internet so as to disrupt, interrupt, or impair any police, fire, educational, commercial, or governmental function; to expand "criminal mischief" to specifically include certain conduct related to computer hacking or the introduction of a computer contaminant; to increase the penalty for "unauthorized use of computer, cable, or telecommunication property" when committed under certain specified circumstances and when the value of the involved property, services, or victim's loss is at least \$10,000; to specifically include "computer hacking" within the scope of "criminal mischief" and "unauthorized use of computer, cable, or telecommunication property;" and to provide a rule for interpreting statutory references that define or specify a criminal offense, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Latta moved that **Sub. S. B. No. 146**-Senator Austria, et al., be informally passed and retain its place on the calendar.

The motion was agreed to.

**Sub. S. B. No. 151**-Senators Austria, Schuring, Jacobson, Armbruster, Harris, Roberts, Spada. -Representatives G. Smith, Gibbs, Schmidt, Schneider, J. Stewart, Seitz.

To enact section 1349.51 of the Revised Code to prohibit consumer reporting agencies from disclosing certain information obtained from insurer inquiries, and to indemnify licensed resident insurance agents for liability resulting from the use of credit information or insurance scores for an insurance company, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 99, 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	Taylor
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wilson	Wolpert	Woodard
Yates	Young		Householder-99.

The bill passed.

Representative Blasdel moved to amend the title as follows:

Add the names: "Allen, Aslanides, Barrett, Calvert, Carmichael, Cates, Chandler, Collier, DeBose, Domenick, C. Evans, D. Evans, Fessler, Flowers, Hartnett, Harwood, Hoops, Hughes, Husted, Kearns, Key, Latta, Oelslager, Otterman, T. Patton, Reidelbach, Seaver, Slaby, Taylor, Walcher, Woodard."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 179**-Senators Nein, Carey, Stivers, Harris. -Representative Hagan.

To amend sections 715.27, 3703.10, 3781.102, 4740.01, 4740.02, 4740.03, 4740.04, 4740.05, 4740.06, 4740.07, 4740.08, 4740.10, 4740.101, 4740.11, 4740.12, 4740.13, and 5537.07 and to enact sections 3703.21 and 4740.99 of the Revised Code to change the name of the Ohio Construction Industry Examining Board to the Ohio Construction Industry Licensing Board, to make other changes related to the licensing of trade contractors, and to permit the Ohio Turnpike Commission to keep cost estimates for specified construction projects confidential until all bids are received, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 91, nays 8, 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
Gilb	Grendell	Hagan	Hartnett
Harwood	Hoops	Hughes	Husted
Jerse	Kearns	Key	Kilbane
Koziura	Latta	Martin	Mason
Miller	Oelslager	Olman	Otterman
Patton S.	Patton T.	Perry	Peterson
Price	Raga	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Setzer	Sferra
Skindell	Slaby	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Taylor	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widowfield
Willamowski	Wilson	Wolpert	Woodard
Yates	Young		Householder-91.

Representatives Brinkman, Gibbs, Hollister, McGregor, Niehaus, Raussen, Seitz, and Widener voted in the negative-8.

The bill passed.

Representative Schaffer moved to amend the title as follows:

Add the names: "Barrett, Domenick, C. Evans, Flowers, Young."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 256**-Representatives Setzer, Fessler, McGregor, Allen, Seaver, Seitz, Sferra, Wolpert, Willamowski.

To amend sections 709.45 to 709.48 and to enact sections 709.461 and 709.462 of the Revised Code to revise the Merger Law, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 99, 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	Taylor
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wilson	Wolpert	Woodard
Yates	Young		Householder-99.

The bill passed.

Representative Setzer moved to amend the title as follows:

Add the names: "Barrett, Carano, Chandler, Combs, C. Evans, Flowers, Hughes, Key, Martin, Otterman, T. Patton, Price, Schmidt, Webster."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 265**-Representatives Faber, McGregor, Seitz, Gibbs, Schaffer, Seaver, Wagner, Webster, Willamowski, Gilb.

To amend section 2744.03 and to enact section 3313.473 of the Revised Code to confer immunity from civil liability upon school districts, community schools, nonpublic schools, and school employees for an alleged injury to a student caused by school discipline, provided that such discipline does not result in child endangerment, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 81, nays 18, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Book	Brinkman
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Combs	Core
Daniels	DeWine	Distel	Domenick

Driehaus	Evans C.	Evans D.	Faber
Fessler	Flowers	Gibbs	Gilb
Grendell	Hagan	Hartnett	Hollister
Hoops	Hughes	Husted	Kearns
Key	Kilbane	Koziura	Latta
Martin	McGregor	Niehaus	Oelslager
Olman	Otterman	Patton T.	Perry
Peterson	Price	Raga	Rausen
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seaver	Seitz
Setzer	Sferra	Slaby	Smith G.
Stewart D.	Stewart J.	Taylor	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Wilson	Wolpert	Yates	Young
			Householder-81.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Brown	DeBose	DeGeeter	Harwood
Jerse	Mason	Miller	Patton S.
Redfern	Skindell	Smith S.	Strahorn
Sykes			Woodard-18.

The bill passed.

Representative Faber moved to amend the title as follows:

Add the names: "Aslanides, Buehrer, Callender, Calvert, Carmichael, Cates, Clancy, Collier, Combs, Core, C. Evans, D. Evans, Fessler, Grendell, Hagan, Hoops, Martin, Niehaus, Otterman, Raga, Schlichter, Schmidt, Setzer, Slaby, Wilson, Young."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 307**-Representatives Widener, C. Evans, Kearns, Redfern, Fessler, Carmichael, Schlichter, Schaffer, Allen, White, Jerse.

To amend sections 4513.01 and 4513.62 and to enact sections 4513.621, 4513.622, and 4513.66 of the Revised Code to provide that the owners of motor vehicles that are abandoned on public roads may be prevented from registering a vehicle until the towing and storage fees on the abandoned vehicle are paid, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Widener moved to amend as follows:

In line 81, after the first "owner" insert "or may not be eligible to be issued an initial or renewal driver's license, commercial driver's license, or temporary instruction permit"

In lines 94 and 134, after "vehicle" insert "and from being issued a driver's license, commercial driver's license, or temporary instruction permit"

In line 143, after the first "order" insert "or any application for the issuance or renewal of a driver's license, commercial driver's license, or temporary instruction permit in the name of the person named in the order"

In line 165, after "order" insert "or an application for the issuance or renewal of a driver's license, commercial driver's license, or temporary instruction permit from the person named in the order"

In line 4 of the title, delete "abandoned on" and insert "removed from"

In line 5 of the title, after "vehicle" insert "or obtaining a driver's license"

In line 6 of the title, delete "abandoned"

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

Representative Miller 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 88, nays 11, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brinkman
Brown	Buehrer	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Combs	Core
Daniels	DeBose	DeGeeter	Distel
Domenick	Driehaus	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Hartnett	Harwood	Hollister	Hoops
Hughes	Husted	Jerse	Key
Kilbane	Koziura	Martin	Mason
McGregor	Miller	Niehaus	Oelslager
Olman	Otterman	Patton S.	Patton T.
Perry	Peterson	Price	Raga
Raussen	Redfern	Reidelbach	Reinhard
Schmidt	Schneider	Seaver	Seitz
Setzer	Sferra	Skindell	Slaby
Smith G.	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Taylor	Trakas
Ujvagi	Walcher	Webster	White
Widowfield	Willamowski	Wilson	Wolpert
Woodard	Yates	Young	Householder-88.

Those who voted in the negative were: Representatives

Callender	DeWine	Evans C.	Evans D.
Faber	Kearns	Latta	Schaffer
Schlichter	Wagner		Widener-11.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Perry moved to amend as follows:

In line 153, after "(D)" insert "(1)"

Between lines 165 and 166, insert:

"(2) If a tow truck operator, towing company, or other person who is in possession of a vehicle and who has obtained an order described in division (A) of this section later is paid at least the total amount of fees specified in the order from the proceeds of the sale of the vehicle, the operator, company, or other person, not later than twenty-one days after the date of the sale of the vehicle, shall send written notification to the small claims court that issued the order informing the court of that fact. Upon receipt of such written notification, the court shall issue a new order rescinding its original order and shall send a copy of the new order to the registrar. Upon receipt of the new order, the registrar may accept an application for registration, registration renewal, or transfer of registration from the person named in the order."

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

The yeas and nays were taken and resulted - yeas 99, 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
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	Taylor
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wilson	Wolpert	Woodard
Yates	Young		Householder-99.

The motion was agreed to and the bill so amended.

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

Representative Miller moved that **Sub. H.B. No. 307** - Representative Widener, et al., be rereferred to the committee on Transportation and Public Safety.

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

The yeas and nays were taken and resulted - yeas 88, nays 11, 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	Core
DeBose	DeGeeter	DeWine	Distel
Domenick	Driehaus	Faber	Fessler
Gibbs	Gilb	Grendell	Hagan
Hartnett	Harwood	Hollister	Hoops
Hughes	Husted	Jerse	Key
Kilbane	Koziura	Latta	Martin
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	Patton S.
Patton T.	Perry	Peterson	Price
Raga	Rausssen	Redfern	Reidelbach
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Skindell
Slaby	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Taylor
Trakas	Ujvagi	Walcher	Webster
White	Widowfield	Willamowski	Wilson
Woodard	Yates	Young	Householder-88.

Those who voted in the negative were: Representatives

Combs	Daniels	Evans C.	Evans D.
Flowers	Kearns	Reinhard	Schaffer
Wagner	Widener		Wolpert-11.

The motion was agreed to.

**Sub. H. B. No. 331**-Representatives Schmidt, Schneider, Hughes, Clancy, Raga, Schlichter, Webster, T. Patton, Grendell, Flowers, Barrett, J. Stewart, Miller, Allen, DeBose, McGregor, Latta, S. Patton, Key, Kearns, Brown, Jerse, Beatty, Harwood, Kilbane, Walcher, Price, G. Smith, S. Smith, Cirelli, Hollister, Reidelbach.

To amend sections 1751.62, 3923.52, 3923.53, and 3923.54 of the Revised Code to cap the benefits health care plans provide for the expense of screening mammographies, an examination that the plans are required to cover, at 130% of the Medicare reimbursement rate, 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 2, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Boccieri	Book	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Domenick	Driebaus	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 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	Taylor	Trakas	Ujvagi
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Wilson
Wolpert	Woodard	Yates	Young
			Householder-97.

Representatives Brinkman and Fessler voted in the negative-2.

The bill passed.

Representative Schmidt moved to amend the title as follows:

Add the names: "Aslanides, Boccieri, Book, Buehrer, Callender, Carmichael, Cates, Collier, Daniels, DeGeeter, Distel, Domenick, C. Evans, D. Evans, Faber, Gilb, Hagan, Hartnett, Hoops, Koziura, Martin, Mason, Oelslager, Olman, Otterman, Schaffer, Seaver, Setzer, Sferra, Skindell, Slaby, D. Stewart, Strahorn, Sykes, Taylor, Ujvagi, Widener, Widowfield, Willamowski, Wilson, Woodard, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 411**-Representatives Seitz, Collier, Niehaus, McGregor, Aslanides, Schneider, Webster, Gilb, Wolpert, Schlichter, Sferra, Daniels, Flowers.

To amend sections 163.02, 163.09, 163.12, 307.08, 307.79, 3709.41, 6117.012, 6117.39, 6117.51, and 6119.11 and to enact sections 6101.181 and 6115.221 of the Revised Code to allow a county, conservancy district, sanitary

district, county sewer district, or regional water and sewer district to appropriate, without a prior jury assessment of compensation for the taking, land for the construction of sewers when the Director of Environmental Protection or a local board of health finds that unsanitary conditions compel the immediate construction of the sewers for the protection of the public health and welfare; to revise the rulemaking authority of a board of county commissioners that adopts rules governing erosion control, sediment control, and water management; to establish a potential civil fine for violation of those rules; to authorize a board of county commissioners that has established a county sewer district to adopt rules governing the prevention of sewer back-ups; to exempt certain farm dwellings from certain sewer connections; and to require health district licensing councils to meet at least annually rather than quarterly, 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.	Stewart D.	Stewart J.
Strahorn	Sykes	Taylor	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Wilson	Wolpert	Woodard	Yates
Young			Householder-98.

The bill passed.

Representative Seitz moved to amend the title as follows:

Add the names: "Barrett, Bocchieri, Driehaus, C. Evans, Grendell, Otterman, Peterson, Raussen, Setzer, Ujvagi, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 415**-Representatives Faber, Fessler, Wagner, DeWine, Seitz, Hoops, Reidelbach, Webster, Seaver, D. Evans, S. Smith, Aslanides, Flowers, Setzer, Reinhard, Taylor.

To amend section 3314.03 and to enact section 3313.801 of the Revised Code to require school districts and community schools that receive donated copies of the mottoes of the United States of America or the State of Ohio to display the mottoes in school buildings, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 74, nays 25, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Beatty	Blasdel	Bocchieri
Book	Brinkman	Buehrer	Callender
Calvert	Carmichael	Cates	Cirelli
Clancy	Collier	Combs	Core
Daniels	DeWine	Distel	Domenick
Evans C.	Evans D.	Faber	Fessler
Flowers	Gibbs	Gilb	Grendell
Hagan	Hartnett	Harwood	Hollister
Hoops	Hughes	Husted	Kearns
Kilbane	Latta	Martin	McGregor
Niehaus	Oelslager	Olman	Otterman
Patton T.	Perry	Peterson	Raga
Raussen	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Slaby	Smith G.
Stewart J.	Taylor	Trakas	Ujvagi
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Wolpert
Young			Householder-74.

Those who voted in the negative were: Representatives

Allen	Barrett	Brown	Carano
Chandler	DeBose	DeGeeter	Driehaus
Jerse	Key	Koziura	Mason
Miller	Patton S.	Price	Redfern
Sferra	Skindell	Smith S.	Stewart D.
Strahorn	Sykes	Wilson	Woodard
			Yates-25.

The bill passed.

Representative Faber moved to amend the title as follows:

Add the names: "Buehrer, Callender, Calvert, Cates, Cirelli, Clancy,

Collier, Daniels, C. Evans, Gibbs, Grendell, Hagan, Hughes, Martin, Otterman, T. Patton, Schaffer, Schlichter, Schmidt, Slaby, Willamowski."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 426**—Representatives Ujvagi, McGregor, Harwood, Book, Perry, Price, Carano, Strahorn, Skindell, Brown, DeGeeter, Collier, Miller, Reidelbach, Mason, Domenick, Sferra, D. Stewart, S. Patton, Allen, Woodard, Distel, Hartnett, Redfern, Barrett, S. Smith, Driehaus, Wilson, Key, DeBose, Yates, Jerse, Schaffer, Seaver, Cirelli, Otterman, Wolpert, Beatty, Hoops, Koziura, Kearns, Oلمان, C. Evans, Sykes, Flowers, Latta, Fessler, Daniels, Hollister, Cates, Trakas, Clancy.

To amend sections 125.021, 1317.06, 1317.061, 1349.99, 3313.64, 4933.12, and 4933.121 and to enact sections 317.322, 1349.02, 1349.03, 1713.60, 1923.062, 3332.20, 3345.53, and 3915.053 of the Revised Code to prohibit a retail seller in a retail installment contract from charging or collecting more than a six per cent annual percentage rate on contracts with retail buyers who are deployed on active duty; to permit a child whose parent is deployed on active duty to continue to attend school in the district in which the child's parent lived before being called to active military duty; to permit a child living with an agent of the child's parent appointed under a military power of attorney or a comparable document to attend school in the school district in which the agent resides; to exempt members of the armed forces of the United States from any recording fee associated with filing a military power of attorney with the county recorder; to provide under certain circumstances a tenant or resident who is deployed on active duty or a member of his or her immediate family with a stay of proceedings or an adjustment of their rental obligation in an action for possession of residential premises under the Eviction Law; to ensure that individual life insurance policies continue in force despite nonpayment of premiums during the insured's period of active duty; to prohibit a gas or electric company from disconnecting service to the residential premises of any consumer who is deployed on active duty; to allow gas and electric companies to recover arrearages incurred during a period of deployment in a specified time period and a specified manner and to recover certain uncollectible amounts owed by residential customers deployed on active duty through a recovery procedure approved by the Public Utilities Commission; to require public and private institutions of higher education to grant a military leave of absence to students who are deployed on active duty, to reinstate those students to the same educational status as before active duty, and to either partially refund paid tuition or credit paid tuition to a future academic term; to permit a person deployed on active duty to terminate a motor vehicle lease or cellular phone contract under specified conditions; and to require the Department of Administrative Services to make available bulk long distance telephone services at cost to the immediate family members of persons deployed on active duty, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Ujvagi moved to amend as follows:

In lines 54 and 1135, delete "1349.99,"

Delete lines 78 and 79

Delete lines 232 through 242

Delete lines 266 through 279

In lines 1047 and 1117, after "request" insert "a longer period to pay the arrearages and, in the case of a company that is a public utility as defined in section 4905.02 of the Revised Code, may request"

In lines 1048 and 1118, delete "to pay the arrearages"

In lines 1051 and 1121, delete "the" and insert "a"; after "company" insert "that is a public utility"

In line 2 of the title, delete "1349.99,"

In line 36 of the title, after "and" insert "certain of those companies"

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

5-26-04

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

Sincerely yours,

/S/ JOHN A. BOCCIERI  
JOHN A. BOCCIERI  
State Representative  
61st House District

The request was granted.

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	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	Taylor	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Wilson	Wolpert	Woodard	Yates
Young			Householder-98.

The motion was agreed to and the bill so amended.

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

Representative Ujvagi moved to amend as follows:

In line 1040, after "duty" insert "for nonpayment for gas supplied to the residential premises"

In line 1110, after "duty" insert "for nonpayment for electricity provided to the residential premises"

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	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	Skindell	Slaby	Smith G.
Stewart D.	Stewart J.	Strahorn	Sykes
Taylor	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 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	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.	Stewart D.	Stewart J.	Strahorn
Sykes	Taylor	Trakas	Ujvagi
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Wilson
Wolpert	Woodard	Yates	Young
			Householder-97.

The bill passed.

Representative Ujvagi moved to amend the title as follows:

Add the names: "Aslanides, Calvert, Combs, D. Evans, Gilb, Grendell, Hagan, Hughes, Kilbane, Niehaus, Oelslager, T. Patton, Peterson, Schlichter, Schmidt, Setzer, Slaby, J. Stewart, Taylor, Webster, Widener, Widowfield,

Willamowski."

**Sub. H. B. No. 428**-Representatives Reidelbach, Seitz, Schaffer, McGregor, Flowers, Fessler, Brinkman, Wagner, C. Evans, Schmidt, Collier, Aslanides, Young, Price, Allen, Strahorn.

To amend sections 303.02, 503.29, 519.02, 2505.08, 2506.01, 2506.02, 2506.03, 2506.04, and 2907.01, to amend, for the purpose of adopting a new section number as indicated in parentheses, section 503.29 (503.53), to enact new sections 503.51 and 503.52 and sections 2506.05, 2506.06, 2506.07, 2506.08, 2907.38, 3768.01, 3768.02, 3768.03, 3768.04, 3768.05, 3768.06, and 3768.99, and to repeal sections 503.51, 503.52, 503.53, 503.54, 503.55, 503.56, 503.57, 503.58, 503.59, 503.65, and 503.99 of the Revised Code to generally regulate adult entertainment establishments; to permit townships to regulate the location and operation of those establishments; to create an expedited appeal from orders, adjudications, or decisions denying an application for, or suspending or revoking, a license or permit to locate or operate such an establishment; to create an expedited appeal in any case in which a court determines there is a threat of restraint of protected expression; and to create the offense of permitting unlawful operation of viewing booths depicting sexual conduct, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Reidelbach moved to amend as follows:

In line 501, delete "clergyman" and insert "member of the clergy"

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 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.	Stewart D.	Stewart J.
Strahorn	Sykes	Taylor	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Wilson	Wolpert	Woodard	Yates
Young			Householder-98.

The bill passed.

Representative Reidelbach moved to amend the title as follows:

Add the names: "Calvert, Carano, Cates, Cirelli, Clancy, DeBose, DeGeeter, Distel, D. Evans, Gilb, Key, Latta, Niehaus, Otterman, T. Patton, Raga, Raussen, Schneider, Slaby, Taylor, Webster, Wolpert."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 449**-Representatives Seitz, Calvert, Collier, Carano, Aslanides, Webster, Setzer, Buehrer, Clancy, D. Evans, McGregor, Schneider, Gibbs, Slaby, Allen, Reidelbach, Schmidt, T. Patton, G. Smith, Hughes, J. Stewart.

To amend sections 145.384, 145.385, 742.26, 3307.352, and 3309.344 of the Revised Code to allow a retirant re-employed in a position covered by a state retirement system to receive a refund of the retirant's contributions in lieu of a benefit for the period of re-employment, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 99, 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	Taylor
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wilson	Wolpert	Woodard
Yates	Young		Householder-99.

The bill passed.

Representative Seitz moved to amend the title as follows:

Add the names: "Barrett, Beatty, Book, Brown, Chandler, Core, DeBose, Domenick, C. Evans, Flowers, Gilb, Hagan, Hollister, Key, Latta, Martin, Niehaus, Olman, Otterman, Perry, Price, Raussen, Schlichter, S. Smith, Strahorn, Widener, Willamowski, Wilson."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. B. No. 455**-Representatives Schneider, Seitz, G. Smith, Gibbs, J. Stewart, Allen, Hughes, Schmidt, Koziura, T. Patton.

To amend sections 145.384, 145.46, 742.3711, 3307.60, 3309.46, and 5505.162 of the Revised Code regarding an election by a retirant of one of the state's public retirement systems who has married or remarried to change the plan under which a retirement benefit is paid, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 99, 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	Taylor
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wilson	Wolpert	Woodard
Yates	Young		Householder-99.

The bill passed.

Representative Schneider moved to amend the title as follows:

Add the names: "Barrett, Beatty, Brown, Buehrer, Clancy, Daniels, DeBose, Distel, Domenick, C. Evans, D. Evans, Fessler, Flowers, Gilb, Hagan, Harwood, Hollister, Kearns, Otterman, Price, Reidelbach, Schaffer, Schlichter, Slaby, S. Smith, Woodard."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 463**-Representatives Combs, Clancy, Young, Hollister, Collier, Flowers, Schneider, Schaffer, Wolpert, Hagan, Hughes, McGregor, Gibbs, Daniels, Walcher, Schmidt, Wilson, Jerse, Carano, Seaver, Harwood, Martin, Beatty, DeBose, S. Smith, Barrett.

To amend sections 3313.671 and 3701.13 and to enact section 3701.134 of the Revised Code to require students to be immunized against chicken pox subject to certain exceptions, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Combs moved that **Sub. H. B. No. 463**-Representative Combs, et al., be informally passed and retain its place on the calendar.

The motion was agreed to.

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

To amend section 5709.17 of the Revised Code to exempt from taxation real property held or occupied by fraternal organizations that qualify for tax exemption under the Internal Revenue Code, 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 22, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
-------	-----------	---------	--------

Blasdel	Bocchieri	Book	Buehrer
Callender	Carano	Carmichael	Cates
Chandler	Cirelli	Clancy	Collier
Combs	Core	Daniels	DeGeeter
Distel	Domenick	Driehaus	Evans C.
Evans D.	Faber	Gibbs	Gilb
Hagan	Hartnett	Hollister	Hoops
Hughes	Jerse	Kearns	Kilbane
Koziura	Latta	Martin	Mason
McGregor	Oelslager	Olman	Otterman
Patton S.	Patton T.	Perry	Peterson
Price	Raga	Raussen	Redfern
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Slaby	Smith G.	Stewart D.	Strahorn
Taylor	Trakas	Ujvagi	Wagner
Webster	White	Widener	Widowfield
Willamowski	Wilson	Yates	Young
			Householder-77.

Those who voted in the negative were: Representatives

Brinkman	Brown	Calvert	DeBose
DeWine	Fessler	Flowers	Grendell
Harwood	Husted	Key	Miller
Niehaus	Reidelbach	Sferra	Skindell
Smith S.	Stewart J.	Sykes	Walcher
Wolpert			Woodard-22.

The bill passed.

Representative Hughes moved to amend the title as follows:

Add the names: Book, Chandler, Distel, Domenick, C. Evans, D. Evans, Hartnett, Jerse, McGregor, Otterman, Perry, Price, Schaffer, Seaver, Slaby, Strahorn, Taylor, Widener, Yates.

Remove the name: Flowers.

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. B. No. 473**-Representatives Hagan, Seitz, Latta, Hughes, Widowfield, McGregor, Slaby, Carano, Collier, DeGeeter, Willamowski.

To amend section 2950.05 of the Revised Code to revise the Sex Offender Registration and Notification Law's "change of address" requirements relative to persons who do not have knowledge of a change in residence, school, institution of higher education, or place of employment address sufficiently in advance of the change to comply with the requirements' deadlines and persons whose residence address change is not to a fixed address, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 99, 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	Taylor
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wilson	Wolpert	Woodard
Yates	Young		Householder-99.

The bill passed.

Representative Hagan moved to amend the title as follows:

Add the names: "Buehrer, Cirelli, C. Evans, D. Evans, Faber, Fessler, Flowers, Otterman, Schaffer, Webster, Young."

**H. C. R. No. 42**-Representatives Reidelbach, Willamowski, Seitz, Collier, Combs, Gilb, Grendell, D. Evans, Strahorn, Allen, Ujvagi, Beatty, Calvert, Carmichael, Clancy, Flowers, Hughes, Otterman, T. Patton, Schlichter, Walcher, Wilson, Buehrer, Key, S. Patton, Mason, Brown.

To urge the Congress of the United States to enact legislation to provide healthcare benefits under the TRICARE healthcare system for members of the reserve components of the armed forces of the United States and their families, was taken up for consideration the third time.

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

Representative Reidelbach moved to amend the title as follows:

Add the names: "Aslanides, Barrett, Book, Cates, Cirelli, Core, Daniels, DeBose, DeGeeter, Distel, Domenick, C. Evans, Faber, Gibbs, Hagan,

Hartnett, Harwood, Hoops, Jerse, Kilbane, Martin, McGregor, Miller, Niehaus, Olman, Perry, Peterson, Price, Raussen, Redfern, Schaffer, Schmidt, Setzer, Skindell, Slaby, G. Smith, S. Smith, D. Stewart, Taylor, Webster, White, Widener, Widowfield, Wolpert."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

The question recurring, "Shall the concurrent resolution be adopted?"

5-26-04

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. C. R. No. 42**-Representative Reidelbach, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/S/ JOHN A. BOCCIERI  
JOHN A. BOCCIERI  
State Representative  
61st House District

The request was granted.

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	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	Taylor	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Wilson	Wolpert	Woodard	Yates
Young			Householder-98.

The concurrent resolution was adopted.

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. 292** - Representatives Oelslager, Seitz, Widener, Aslanides, Collier, Daniels, Faber, Flowers, Schaffer, Setzer, Senators Stivers, Amstutz, Austria, Coughlin, Harris, Jacobson, Mumper, Wachtmann, Spada

To amend section 2505.02 and to enact sections 2307.91 to 2307.94, 2307.941, 2307.95, 2307.96, and 2307.98 of the Revised Code to establish minimum medical requirements for filing certain asbestos claims, to specify a plaintiff's burden of proof in tort actions involving exposure to asbestos, to establish premises liability in relation to asbestos claims, and to prescribe the requirements for shareholder liability for asbestos claims under the doctrine of piercing the corporate veil.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested:

In line 397, delete "decision is not binding" and insert "findings and decisions are not admissible"

Between lines 397 and 398, insert:

"(4) If the trier of fact is a jury, the court shall not instruct the jury with respect to the court's decision on the prima-facie showing, and neither counsel for any party nor a witness shall inform the jury or potential jurors of that showing."

Attest:

Matthew T. Schuler,  
Clerk.

Representative Cates moved that Joint Rule No. 16, pertaining to Senate amendments, be suspended for the remainder of the day.

The motion was agreed to without objection.

The Senate amendments to **Am. Sub. H. B. No. 292**-Representative Oelslager, et al., were taken up for consideration.

**Am. Sub. H. B. No. 292**-Representatives Oelslager, Seitz, Widener, Aslanides, Collier, Daniels, Faber, Flowers, Schaffer, Setzer. -Senators Stivers, Amstutz, Austria, Coughlin, Harris, Jacobson, Mumper, Wachtmann, Spada.

To amend section 2505.02 and to enact sections 2307.91 to 2307.94, 2307.941, 2307.95, 2307.96, and 2307.98 of the Revised Code to establish minimum medical requirements for filing certain asbestos claims, to specify a plaintiff's burden of proof in tort actions involving exposure to asbestos, to establish premises liability in relation to asbestos claims, and to prescribe the requirements for shareholder liability for asbestos claims under the doctrine of piercing the corporate veil.

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

The yeas and nays were taken and resulted - yeas 65, nays 34, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Brinkman
Buehrer	Calvert	Carmichael	Cates
Chandler	Clancy	Collier	Combs
Core	Daniels	DeWine	Distel
Driehaus	Evans D.	Faber	Fessler
Flowers	Gibbs	Gilb	Hagan
Hartnett	Hoops	Hughes	Husted
Kearns	Kilbane	Latta	Martin
McGregor	Niehaus	Oelslager	Olman
Patton T.	Perry	Peterson	Raga
Raussen	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Slaby	Smith G.
Taylor	Trakas	Wagner	Walcher
White	Widener	Widowfield	Willamowski
Wilson	Wolpert	Woodard	Young
			Householder-65.

Those who voted in the negative were: Representatives

Allen	Beatty	Boccieri	Book
Brown	Callender	Carano	Cirelli
DeBose	DeGeeter	Domenick	Evans C.
Grendell	Harwood	Hollister	Jerse
Key	Koziura	Mason	Miller
Otterman	Patton S.	Price	Redfern
Sferra	Skindell	Smith S.	Stewart D.

Stewart J.  
Webster

Strahorn

Sykes

Ujvagi  
Yates-34.

The Senate amendments were concurred in.

**Sub. S. B. No. 146**-Senators Austria, Harris, Randy Gardner, Schuring, Goodman, Robert Gardner, Jacobson, Stivers, Amstutz, Brady, Spada.  
-Representatives Collier, Willamowski, D. Evans, Faber, Barrett.

To amend sections 2901.04, 2909.01, 2909.04, 2909.07, 2913.01, and 2913.04 of the Revised Code to expand "disrupting public services" to specifically prohibit the use of a computer, another specified type of device or the Internet so as to disrupt, interrupt, or impair any police, fire, educational, commercial, or governmental function; to expand "criminal mischief" to specifically include certain conduct related to computer hacking or the introduction of a computer contaminant; to increase the penalty for "unauthorized use of computer, cable, or telecommunication property" when committed under certain specified circumstances and when the value of the involved property, services, or victim's loss is at least \$10,000; to specifically include "computer hacking" within the scope of "criminal mischief" and "unauthorized use of computer, cable, or telecommunication property;" and to provide a rule for interpreting statutory references that define or specify a criminal offense, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Latta moved to amend as follows:

In line 238, delete "division (A) or (B) of"

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 Gilb moved to amend as follows:

In line 23, after "2901.04," insert "2907.01, 2907.31,"

In line 24, delete "of the Revised Code"; after "amended" insert "and sections 101.36, 3375.351, and 3375.352 of the Revised Code be enacted"

Between lines 25 and 26, insert:

**Sec. 101.36. (A) There is hereby created the joint legislative committee on library filtering. The committee shall review requests submitted to it pursuant to division (D)(3) of section 3375.351 of the Revised Code.**

**(B) The committee shall consist of three members of the house of representatives appointed by the speaker of the house of representatives, and three members of the senate appointed by the president of the senate. Not more than two members appointed by the speaker of the house of representatives and not more than two members appointed by the president of the senate may be of**

the same political party. Initial appointments shall be made not later than January 30, 2005. Thereafter, appointments shall be made not later than fifteen days after the commencement of the first regular session of each general assembly.

Each member of the committee shall hold office during the general assembly in which the member is appointed and until a successor has been appointed. Any vacancies occurring among the members of the committee shall be filled in the manner of the original appointment.

(C) The committee shall organize itself within thirty days after the commencement of each regular session of the general assembly by electing a chairperson and vice-chairperson. The joint committee may meet on the call of the chairperson, the vice-chairperson, or on the request of any three members.

(D) The committee shall meet at least quarterly to review the descriptions of alternative methods to library filters submitted pursuant to division (D)(3) of section 3375.351 of the Revised Code. The department of administrative services and other state agencies shall cooperate with the committee in its consideration of those requests.

(E) Committee meetings shall be open to the public. The chairperson shall determine the time, place, and agenda for each meeting of the committee.

Between lines 49 and 50, insert:

"**Sec. 2907.01.** As used in sections 2907.01 to 2907.37 of the Revised Code:

(A) "Sexual conduct" means vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

(B) "Sexual contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

(C) "Sexual activity" means sexual conduct or sexual contact, or both.

(D) "Prostitute" means a male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.

(E) "Harmful to juveniles" means that quality of any electronic communication provided or accessed through a prepaid adult entertainment card, any material, or any performance describing or representing nudity, sexual conduct, sexual excitement, or sado-masochistic abuse in any form to which all of the following apply:

(1) The electronic communication, material, or performance, when

considered as a whole, appeals to the prurient interest in sex of juveniles.

(2) The electronic communication, material, or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles.

(3) The electronic communication, material, or performance, when considered as a whole, lacks serious literary, artistic, political, and scientific value for juveniles.

(F) When considered as a whole, and judged with reference to ordinary adults or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to that group, any electronic communication provided or accessed through a prepaid adult entertainment card, any material, or any performance is "obscene" if any of the following apply:

(1) Its dominant appeal is to prurient interest;

(2) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement, or nudity in a way that tends to represent human beings as mere objects of sexual appetite;

(3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality;

(4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose;

(5) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.

(G) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(H) "Nudity" means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

(I) "Juvenile" means an unmarried person under the age of eighteen.

(J) "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, or tape, or other tangible thing capable of arousing interest through sight,

sound, or touch and includes an image or text appearing on a computer monitor, television screen, liquid crystal display, or similar display device or an image or text recorded on a computer hard disk, computer floppy disk, compact disk, magnetic tape, or similar data storage device.

(K) "Performance" means any motion picture, preview, trailer, play, show, skit, dance, or other exhibition performed before an audience.

(L) "Spouse" means a person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:

(1) When the parties have entered into a written separation agreement authorized by section 3103.06 of the Revised Code;

(2) During the pendency of an action between the parties for annulment, divorce, dissolution of marriage, or legal separation;

(3) In the case of an action for legal separation, after the effective date of the judgment for legal separation.

(M) "Minor" means a person under the age of eighteen.

(N) "Mental health client or patient" has the same meaning as in section 2305.51 of the Revised Code.

(O) "Mental health professional" has the same meaning as in section 2305.115 of the Revised Code.

(P) "Sado-masochistic abuse" means flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained.

(Q) "Prepaid adult entertainment card" means either of the following:

(1) A product that, by means of a predetermined cardholder identification and a password unique to the card, provides, or permits access to, one or more internet sites containing, including by link or reference to another internet site, any electronic communication that is harmful to juveniles or obscene;

(2) A product that, by means of a telephone number and an access code or password unique to the card and for a predetermined number of minutes, provides, or permits access to, an electronic communication that is harmful to juveniles or obscene.

(R) "Electronic communication" means any material, performance, message, or information transferred, sent, posted, published, disseminated, or otherwise communicated, any material, performance, information, or data received, or any telecommunication made, through the use of an electronic method of remotely transferring information, including, but not limited to, a computer, computer network, computer program, computer system, or telecommunications device.

(S) "Computer," "computer network," "computer program," "computer

system," "telecommunication," and "telecommunications device" have the same meanings as in section 2913.01 of the Revised Code.

**Sec. 2907.31.** (A) No person, with knowledge of its character or content, shall recklessly do any of the following:

(1) Directly sell, deliver, furnish, disseminate, provide, exhibit, rent, or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;

(2) Directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;

(3) While in the physical proximity of the juvenile or law enforcement officer posing as a juvenile, allow any juvenile or law enforcement officer posing as a juvenile to review or peruse any material or view any live performance that is harmful to juveniles;

(4) Directly sell, deliver, furnish, disseminate, provide, exhibit, rent, or present a prepaid adult entertainment card to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles, or directly offer or agree to do so.

(B) The following are affirmative defenses to a charge under division (A)(1), (2), or (3) of this section that involves material or a performance that is harmful to juveniles but not obscene, or to a charge under division (A)(4) of this section:

(1) The defendant is the parent, guardian, or spouse of the juvenile involved.

(2) The juvenile involved, at the time of the conduct in question, was accompanied by the juvenile's parent or guardian ~~who~~ and one of the following applies:

(a) Regarding a charge under division (A)(1), (2), or (3) of this section, the parent or guardian so accompanying the juvenile, with knowledge of its character, consented to the material or performance being furnished or presented to the juvenile;

(b) Regarding a charge under division (A)(4) of this section, the parent or guardian so accompanying the juvenile, with knowledge of the purpose for which the card may be used, consented to the prepaid adult entertainment card being sold, delivered, furnished, disseminated, provided, exhibited, rented, or presented, or being offered or agreed to be sold, delivered, furnished, disseminated, provided, exhibited, rented, or presented, to the juvenile.

(3) The juvenile involved exhibited to the defendant or to the defendant's agent or employee a draft card, driver's license, birth record, marriage license, or

other official or apparently official document purporting to show that the juvenile was eighteen years of age or over or married, and the person to whom that document was exhibited did not otherwise have reasonable cause to believe that the juvenile was under the age of eighteen and unmarried.

(C)(1) It is an affirmative defense to a charge under division (A)(1), (2), or (3) of this section; involving material or a performance that is obscene or harmful to juveniles, or to a charge under division (A)(4) of this section, that the material or performance involved in the violation of division (A)(1), (2), or (3) of this section or the prepaid adult entertainment card involved in the violation of division (A)(4) of this section was furnished or presented for a bona fide medical, scientific, educational, governmental, judicial, or other proper purpose, by a physician, psychologist, sociologist, scientist, teacher, librarian, clergyman, prosecutor, judge, or other proper person.

(2) Except as provided in division (B)(3) of this section, mistake of age is not a defense to a charge under division (A) of this section.

(D)(1) A person directly sells, delivers, furnishes, disseminates, provides, exhibits, rents, or presents or directly offers or agrees to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present material ~~or~~ a performance, or a prepaid adult entertainment card to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of division (A) of this section by means of an electronic method of remotely transmitting information if the person knows or has reason to believe that the person receiving the information is a juvenile or the group of persons receiving the information are juveniles.

(2) A person remotely transmitting information by means of a method of mass distribution does not directly sell, deliver, furnish, disseminate, provide, exhibit, rent, or present or directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present the material ~~or~~ performance, or card in question to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of division (A) of this section if either of the following applies:

(a) The person has inadequate information to know or have reason to believe that a particular recipient of the information or offer is a juvenile.

(b) The method of mass distribution does not provide the person the ability to prevent a particular recipient from receiving the information.

(E) If any provision of this section, or the application of any provision of this section to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of this section or related sections that can be given effect without the invalid provision or application. To this end, the provisions are severable.

(F) Whoever violates division (A) of this section is guilty of disseminating matter harmful to juveniles and shall be punished as provided in division (F)(1) or (2) of this section. ~~If~~

(1) Disseminating matter harmful to juveniles committed in violation of division (A)(1), (2), or (3) of this section shall be punished as provided in this division. If the material or performance involved is harmful to juveniles, except as otherwise provided in this division, disseminating matter harmful to juveniles committed in violation of division (A)(1), (2), or (3) of this section is a misdemeanor of the first degree. If the material or performance involved is obscene, except as otherwise provided in this division, disseminating matter harmful to juveniles committed in violation of division (A)(1), (2), or (3) of this section is a felony of the fifth degree. If the material or performance involved is obscene and the juvenile to whom it is sold, delivered, furnished, disseminated, provided, exhibited, rented, or presented, the juvenile to whom the offer is made or who is the subject of the agreement, or the juvenile who is allowed to review, peruse, or view it is under thirteen years of age, disseminating matter harmful to juveniles committed in violation of division (A)(1), (2), or (3) of this section is a felony of the fourth degree.

(2) Disseminating matter harmful to juveniles committed in violation of division (A)(4) of this section shall be punished as provided in this division. Except as otherwise provided in this division, disseminating matter harmful to juveniles committed in violation of division (A)(4) of this section is a misdemeanor of the first degree. If the juvenile to whom the prepaid entertainment card is sold, delivered, furnished, disseminated, provided, exhibited, rented, or presented, or the juvenile to whom the offer is made or who is the subject of the agreement, is under thirteen years of age, disseminating matter harmful to juveniles committed in violation of division (A)(4) of this section is a felony of the fifth degree."

Between lines 682 and 683, insert:

"Sec. 3375.351. (A) As used in this section and section 3375.352 of the Revised Code:

(1) "Harmful to juveniles" and "material" have the same meanings as in section 2907.01 of the Revised Code.

(2) "Juvenile" means an unmarried person under the age of eighteen.

(3) "Library" means a free public library, including both of the following:

(a) A library that is maintained and regulated under section 715.13 of the Revised Code;

(b) A library that is created, maintained, and regulated under Chapter 3375. of the Revised Code.

(4) "Obscene" has the same meaning as in section 2907.01 of the Revised Code as that division has been construed by the supreme court of this state.

(B) The board of library trustees of a library shall not use any state money it has received from any entity or any source, or any money it has received from any county library and local government support fund under Chapter 5705. of the

Revised Code, to purchase computers used to access the internet or to pay for direct costs associated with accessing the internet, unless all of the following apply:

(1) The board has complied with division (D)(1) of this section or has installed and has operational, subject to division (C) of this section, a filtering device or filtering software that protects against internet access to material that is obscene or harmful to juveniles on each computer located at the library that is accessible to juveniles;

(2) The board has complied with division (D)(2) of this section or has installed and has operational, subject to division (C) of this section, a filtering device or filtering software that protects against internet access to material that is obscene on each computer located at the library that is accessible to any patron of the library.

(3) The board has adopted and enforces a policy regarding a juvenile's ability to borrow from the library video material, music, and electronic games that provides all of the following:

(a) A juvenile may not borrow material from any of the following categories unless the juvenile's parent or guardian has made a designation described in division (B)(3)(b) of this section with regard to that category of material:

(i) Video materials;

(ii) Music;

(iii) Electronic games.

(b) After receiving the notification described in division (B)(3)(d) of this section, a parent or guardian may designate whether a juvenile is permitted to borrow video materials, music, or electronic games from the library.

(c) A parent or guardian may make a separate designation for video materials, music, and electronic games under division (B)(3)(b) of this section.

(d) The library shall notify the parent or guardian that some of the materials available for borrowing might contain material that the parent or guardian would consider inappropriate for juveniles.

(e) If permission for the juvenile to borrow video, music, or electronic games is given by a parent or guardian to the library, it shall be clearly noted on the library card or other identification documentation that has been issued to the juvenile.

(f) The notification to the parent shall be on the application for the library card or for the other identification documentation of the juvenile, if the parent is required to sign the application, or shall be provided in any other manner the board determines to be appropriate.

(C) If a board of library trustees of a library installs and has operational a

filtering device or filtering software on computers located at the library in accordance with divisions (B)(1) and (2) of this section, upon the request of any person, any administrator, supervisor, or other official or employee of the library may disable or override the device or software on a particular computer to enable the person to have full access to that computer for bona fide research, medical, scientific, educational, governmental, judicial, or other lawful purposes. If the person making the request is eighteen years of age or older, the person is not required to explain, and shall not be asked to explain, the reason or purpose for which the person is requesting full access to the computer.

(D)(1) The board of library trustees of a library may make and publish rules providing for an alternative method of protecting against internet access to material that is obscene or harmful to juveniles as described in division (B)(1) of this section. The board may use the alternative method only if it has complied with division (D)(3) of this section.

(2) The board of library trustees of a library may make and publish rules providing for an alternative method of protecting against internet access to material that is obscene as described in division (B)(2) of this section. The board may use the alternative method only if it has complied with division (D)(3) of this section.

(3) A board of library trustees seeking to adopt an alternative method under division (D)(1) or (2) of this section must first submit a request for certification of the proposed alternative method that contains a description of the alternative method proposed to be implemented to the joint legislative committee on library filtering. The board may utilize an alternative method only if the committee certifies that the method is as effective or more effective than the filtering devices available for use at the library.

(4) If an alternative method is adopted pursuant to division (D)(1) or (2) of this section, the auditor of state shall annually conduct audits to determine whether the library is following a method that has been certified by the joint legislative committee on library filtering and to verify that the library is following the method.

(E) Nothing in this section limits, restricts, or prohibits a board of library trustees of a library, or any administrator, supervisor, or other official or employee of a library, from regulating, limiting, restricting, or prohibiting any person from having access while at the library, on the internet or in any other manner, to material other than material that is obscene or harmful to juveniles.

**Sec. 3375.352.** No entity shall distribute any state money from any source to a board of public library trustees unless it has received a resolution from the board stating that the library has complied with and will continue to comply with division (B) of section 3375.351 of the Revised Code."

In line 683, after "2901.04," insert "2907.01, 2907.31,"

In line 1 of the title, after "2901.04," insert "2907.01, 2907.31,"

In line 2 of the title, after "2913.04" insert "and to enact sections 101.36, 3375.351, and 3375.352"

In line 19 of the title, delete "and"

In line 22 of the title, after "offense" insert "; to expand the criminal offense of "disseminating matter harmful to juveniles" to also prohibit selling, providing, presenting, etc., a prepaid adult entertainment card to a juvenile; to create the joint legislative committee on library filtering; and to amend the law governing the use of state and local money by libraries for Internet access purposes"

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

On motion of Representative Cates, the House recessed.

The House met pursuant to recess.

Representative Gilb moved to withdraw the amendment.

The motion was agreed to without objection.

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

Representative Cates moved that **Sub. S. B. No. 146**-Senator Austria, et al., be informally passed and retain its place on the calendar.

The motion was agreed to.

Representative Cates moved that House Rule 65, pertaining to bills being placed on the calendar, be suspended and that **H. C. R. No. 36**-Representative Schaffer, et al. be taken up for immediate consideration the third time.

The motion was agreed to without objection.

**H. C. R. No. 36**-Representatives Schaffer, Beatty, Hughes, Flowers, T. Patton, Schlichter, Clancy.

To designate the city of Lancaster, Ohio, as the Pressed Glass Capitol of Ohio, was taken up for consideration the third time.

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

Representative Schaffer moved to amend the title as follows:

Add the names: "Carano, Daniels, C. Evans, D. Evans, Hoops, Young."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

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

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	Boccieri	Book	Brinkman

Brown	Buehrer	Callender	Calvert
Carano	Carmichael	Chandler	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	Taylor	Trakas	Ujvagi
Wagner	Walcher	White	Widener
Widowfield	Willamowski	Wilson	Wolpert
Woodard	Yates	Young	Householder-96.

Representatives Cates and Webster voted in the negative-2.

The concurrent resolution was adopted.

Representative Cates moved that House Rule 65, pertaining to bills being placed on the calendar, be suspended and that **Sub. H. B. No. 175**-Representative Buehrer, et al. be taken up for immediate consideration the third time.

The motion was agreed to without objection.

**Sub. H. B. No. 175**-Representatives Buehrer, Widener, Olman, D. Evans, Kilbane, Hagan, Taylor.

To amend sections 307.37, 307.38, 307.381, 307.40, 505.73, 505.75, 505.76, 505.77, 505.78, 3703.01, 3722.02, 3722.041, 3781.01, 3781.03, 3781.031, 3781.06, 3781.10, 3781.102, 3781.11, 3781.12, 3781.13, 3781.18, 3781.183, 3781.99, 3791.04, 3791.042, 3791.99, 4703.18, 4733.18, 4740.01, 4929.03, 4929.04, and 4929.09, to enact sections 1312.01 to 1312.06 and 4740.14, and to repeal sections 3781.181, 3781.182, 3781.21, and 4933.31 of the Revised Code to establish a state residential building code, to make other changes in the laws governing residential construction, and to establish a "right to cure" procedure under which a residential contractor may cure a defect prior to an owner commencing arbitration proceedings or a civil action, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

5.26.04

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

Sincerely yours,

/S/ TIMOTHY J. GRENDELL  
TIMOTHY J. GRENDELL  
State Representative  
98th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 73, nays 24, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Bocchieri	Book	Brown	Buehrer
Callender	Calvert	Carano	Carmichael
Chandler	Collier	Combs	Core
Daniels	DeBose	DeWine	Distel
Domenick	Driehaus	Evans D.	Faber
Flowers	Gibbs	Hagan	Hartnett
Harwood	Hollister	Hughes	Husted
Kearns	Kilbane	Koziura	Latta
Martin	McGregor	Niehaus	Oelslager
Olman	Otterman	Patton S.	Patton T.
Perry	Peterson	Raga	Rausen
Redfern	Reidelbach	Schaffer	Schlichter
Schneider	Seaver	Seitz	Setzer
Sferra	Skindell	Slaby	Smith G.
Stewart D.	Stewart J.	Taylor	Trakas
Ujvagi	Walcher	Webster	White
Widener	Widowfield	Willamowski	Wolpert
			Householder-73.

Those who voted in the negative were: Representatives

Beatty	Brinkman	Cates	Clancy
DeGeeter	Evans C.	Fessler	Gilb
Hoops	Jerse	Key	Mason
Miller	Price	Reinhard	Schmidt
Smith S.	Strahorn	Sykes	Wagner

Wilson

Woodard

Yates

Young-24.

The bill passed.

Representative Buehrer moved to amend the title as follows:

Add the names: "Flowers, Hughes, Martin, Schaffer, Setzer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Representative Cates moved that House Rule 65, pertaining to bills being placed on the calendar, be suspended and that **Sub. H. B. No. 424**-Representative McGregor, et al. be taken up for immediate consideration the third time.

The motion was agreed to without objection.

**Sub. H. B. No. 424**-Representatives McGregor, Raga, Skindell, Collier, Allen.

To amend sections 3781.19, 4105.01, 4105.011, 4105.02, 4105.05, 4105.10, 4105.12, 4105.13, 4105.15, 4105.16, 4105.17, 4105.99, and 4121.13, to amend, for the purpose of adopting a new section number as indicated in parentheses, section 4105.011 (4105.012), and to enact new section 4105.011 and sections 4105.021, 4105.022, 4105.023, 4105.22, and 4105.23 of the Revised Code to require the superintendent of industrial compliance to regulate elevator mechanics and elevator contractors, to create the Elevator Safety Advisory Committee, and to make changes to the laws governing elevator servicing and inspections, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 93, nays 5, 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
Domenick	Driehaus	Evans C.	Evans D.
Fessler	Flowers	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	Redfern
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seaver	Setzer

Sferra	Skindell	Slaby	Smith G.
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Taylor	Trakas	Ujvagi
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Wilson
Wolpert	Woodard	Yates	Young
			Householder-93.

Representatives Brinkman, Faber, Gibbs, Raussen, and Seitz voted in the negative-5.

The bill passed.

Representative McGregor moved to amend the title as follows:

Add the names: "Barrett, Chandler, Flowers, Hughes, Kearns, Otterman."

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the adoption of the following concurrent resolution:

**Sub. H. C. R. No. 43** - Representatives Young, Aslanides, Brinkman, Combs, Distel, Faber, Fessler, Grendell, Hughes, McGregor, Miller, Olman, Otterman, Schaffer, Taylor, Trakas, Widowfield, Barrett, Cirelli, Harwood, Reidelbach, Schmidt. Senators Schuler, Armbruster, Fingerhut, Jordan, White, Zurz, Spada, Mumper, Brady, Fedor, Dann, DiDonato

To urge Congress and the United States Senate in pending legislation titled the "Transportation Equity Act: A Legacy for Users" to adopt the "Buy America" amendment to Section 3023(g) of H.R. 3550 as part of the final conference report of the legislation.

As a substitute resolution, 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. C. R. No. 43**-Representative Young, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Sub. H. C. R. No. 43**-Representative Young, et al., was taken up for consideration.

**Sub. H. C. R. No. 43**-Representatives Young, Aslanides, Brinkman, Combs, Distel, Faber, Fessler, Grendell, Hughes, McGregor, Miller, Olman,

Otterman, Schaffer, Taylor, Trakas, Widowfield, Barrett, Cirelli, Harwood, Reidelbach, Schmidt. -Senators Schuring, Armbruster, Fingerhut, Robert Gardner, Jordan, White, Zurz, Spada, Mumper, Brady, Fedor, Dann, DiDonato.

To urge Congress and the United States Senate in pending legislation titled the "Transportation Equity Act: A Legacy for Users" to adopt the "Buy America" amendment to Section 3023(g) of H.R. 3550 as part of the final conference report of the legislation.

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

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	Brinkman
Brown	Buehrer	Callender	Calvert
Carano	Carmichael	Cates	Chandler
Clancy	Collier	Combs	Core
Daniels	DeBose	DeGeeter	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.
Stewart D.	Stewart J.	Strahorn	Sykes
Taylor	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Wilson	Wolpert
Woodard	Yates	Young	Householder-96.

Representative DeWine voted in the negative-1.

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. 105** - Representatives Collier, D. Evans, Hollister, McGregor, Raga, Schaffer, Redfern, Widener, Jerse, Webster, Allen, G. Smith, Aslanides, Barrett, Book, Carano, Carmichael, Cirelli, Daniels, DeWine, Domenick, Flowers, Jolivette, Key, Miller, Otterman, T. Patton, Perry, Peterson, Price, Schlichter, Setzer, Sferra, Strahorn, Wilson, Wolpert, Yates. Senator Fedor

To amend sections 4745.01, 4761.02, 4761.03, and 4761.09 and to enact sections 4752.01 to 4752.09, 4752.11 to 4752.15, 4752.17 to 4752.19, and 4752.99 of the Revised Code to require home medical equipment services providers to be licensed by the Ohio Respiratory Care Board or to be nationally accredited and registered by the Board.

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. 105**-Representative Collier, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Sub. H. B. No. 105**-Representative Collier, et al., were taken up for consideration.

**Sub. H. B. No. 105**-Representatives Collier, D. Evans, Hollister, McGregor, Raga, Schaffer, Redfern, Widener, Jerse, Webster, Allen, G. Smith, Aslanides, Barrett, Book, Carano, Carmichael, Cirelli, Daniels, DeWine, Domenick, Flowers, Jolivette, Key, Miller, Otterman, T. Patton, Perry, Peterson, Price, Schlichter, Setzer, Sferra, Strahorn, Wilson, Wolpert, Yates. -Senator Fedor.

To amend sections 4745.01, 4761.02, 4761.03, and 4761.09 and to enact sections 4752.01 to 4752.09, 4752.11 to 4752.15, 4752.17 to 4752.19, and 4752.99 of the Revised Code to require home medical equipment services providers to be licensed by the Ohio Respiratory Care Board or to be nationally accredited and registered by the Board.

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

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	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	Rauszen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	Slaby	Smith G.	Stewart D.
Stewart J.	Strahorn	Sykes	Taylor
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wilson	Wolpert	Woodard
Yates	Young		Householder-95.

Representatives Brinkman and Skindell voted in the negative-2.

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. 106** - Representatives Williams, Otterman, McGregor, Hartnett, Hagan, Perry, Gilb, Koziura, Widowfield, Young, Bocchieri, Willamowski, Aslanides, Carano, Chandler, Cirelli, Clancy, Collier, DeBose, Domenick, C. Evans, Flowers, Gibbs, Grendell, Harwood, Kilbane, Latta, Martin, Niehaus, T. Patton, Peterson, Schlichter, Schmidt, Setzer, Sferra, J. Stewart, Taylor. Senators Coughlin, Padgett, Zurz, Robert Gardner, Harris, Spada

To amend sections 9.314, 2151.011, 2151.421, 2151.86, 2152.18, 3301.0711, 3302.01, 3302.03, 3313.53, 3313.533, 3313.61, 3313.611, 3313.612, 3313.662, 3313.672, 3313.85, 3317.03, 3319.29, 3319.291, 3319.303, 3319.31, 3319.51, 3381.04, and 5139.05 of the Revised Code; to

amend Section 7 of Sub. H.B. 196 of the 124th General Assembly and to amend Section 7 of Sub. H.B. 196 of the 124th General Assembly for the purpose of codifying it as section 3319.304 of the Revised Code; and to amend Sections 41.37 and 98.01 of Am. Sub. H.B. 95 of the 125th General Assembly to require that upon a child's discharge or release from the custody of the Department of Youth Services certain records pertaining to that child be released to the juvenile court and to the superintendent of the school district in which the child is entitled to attend school; to specify that a school district's policy on the assignment of students to an alternative school may provide for the assignment of any child released from the custody of the Department of Youth Services to such a school; to make the Department of Youth Services eligible for certain grants and services from the Ohio SchoolNet Commission; to include public and chartered nonpublic schools as out-of-home care entities for the purposes of the Juvenile Code; to exempt limited English proficient students who have been enrolled in United States schools for less than one year from certain testing and accountability requirements; to require the county probate court, instead of the educational service center governing board, to perform the duties of or fill vacancies on the board of education of a local school district if the board fails to perform those duties or fill vacancies; to eliminate the deadline for issuing one-year conditional teaching permits in the area of intervention specialist; to clarify the calculation of transitional aid to school districts in fiscal year 2005; to establish a per student rate to be paid by the Department of Education for a safe school help line; to permit a reverse auction to satisfy any law requiring a political subdivision to competitively bid for services or supplies; and to clarify the minimum population requirement for counties that create a regional arts and cultural district under alternative procedures.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested:

In line 50, after "9.314," insert "109.57,"

In line 53, after "3319.51," insert "3319.55,"

Between lines 115 and 116, insert:

**"Sec. 109.57.** (A)(1) The superintendent of the bureau of criminal identification and investigation shall procure from wherever procurable and file for record photographs, pictures, descriptions, fingerprints, measurements, and other information that may be pertinent of all persons who have been convicted of committing within this state a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a) of section 109.572 of the Revised Code, of all children under eighteen years of age who have been adjudicated delinquent children for committing within this state an act that would be a felony or an offense of violence if committed by an adult or who have been convicted of or pleaded guilty to committing within this state a felony or an offense of violence,

and of all well-known and habitual criminals. The person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and the person in charge of any state institution having custody of a person suspected of having committed a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a) of section 109.572 of the Revised Code or having custody of a child under eighteen years of age with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall furnish such material to the superintendent of the bureau. Fingerprints, photographs, or other descriptive information of a child who is under eighteen years of age, has not been arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult, has not been adjudicated a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, has not been convicted of or pleaded guilty to committing a felony or an offense of violence, and is not a child with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall not be procured by the superintendent or furnished by any person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution, except as authorized in section 2151.313 of the Revised Code.

(2) Every clerk of a court of record in this state, other than the supreme court or a court of appeals, shall send to the superintendent of the bureau a weekly report containing a summary of each case involving a felony, involving any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, involving a misdemeanor described in division (A)(1)(a) of section 109.572 of the Revised Code, or involving an adjudication in a case in which a child under eighteen years of age was alleged to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult. The clerk of the court of common pleas shall include in the report and summary the clerk sends under this division all information described in divisions (A)(2)(a) to (f) of this section regarding a case before the court of appeals that is served by that clerk. The summary shall be written on the standard forms furnished by the superintendent pursuant to division (B) of this section and shall include the following information:

- (a) The incident tracking number contained on the standard forms furnished by the superintendent pursuant to division (B) of this section;
- (b) The style and number of the case;
- (c) The date of arrest;
- (d) The date that the person was convicted of or pleaded guilty to the

offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;

(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;

(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.

If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.

(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a) of section 109.572 of the Revised Code and of all children under eighteen years of age arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult. The superintendent also shall file for record the fingerprint impressions of all persons confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution for the violation of state laws and of all children under eighteen years of age who are confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution or in any facility for delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, and any other information that the superintendent may receive from law enforcement officials of the state and its political subdivisions.

(4) The superintendent shall carry out Chapter 2950. of the Revised Code with respect to the registration of persons who are convicted of or plead guilty to either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense and with respect to all other duties imposed on the bureau under that chapter.

(5) The bureau shall perform centralized recordkeeping functions for criminal history records and services in this state for purposes of the national

crime prevention and privacy compact set forth in section 109.571 of the Revised Code and is the criminal history record repository as defined in that section for purposes of that compact. The superintendent or the superintendent's designee is the compact officer for purposes of that compact and shall carry out the responsibilities of the compact officer specified in that compact.

(B) The superintendent shall prepare and furnish to every county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and to every clerk of a court in this state specified in division (A)(2) of this section standard forms for reporting the information required under division (A) of this section. The standard forms that the superintendent prepares pursuant to this division may be in a tangible format, in an electronic format, or in both tangible formats and electronic formats.

(C) The superintendent may operate a center for electronic, automated, or other data processing for the storage and retrieval of information, data, and statistics pertaining to criminals and to children under eighteen years of age who are adjudicated delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, criminal activity, crime prevention, law enforcement, and criminal justice, and may establish and operate a statewide communications network to gather and disseminate information, data, and statistics for the use of law enforcement agencies. The superintendent may gather, store, retrieve, and disseminate information, data, and statistics that pertain to children who are under eighteen years of age and that are gathered pursuant to sections 109.57 to 109.61 of the Revised Code together with information, data, and statistics that pertain to adults and that are gathered pursuant to those sections. In addition to any other authorized use of information, data, and statistics of that nature, the superintendent or the superintendent's designee may provide and exchange the information, data, and statistics pursuant to the national crime prevention and privacy compact as described in division (A)(5) of this section.

(D) The information and materials furnished to the superintendent pursuant to division (A) of this section and information and materials furnished to any board or person under division (F) or (G) of this section are not public records under section 149.43 of the Revised Code.

(E) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section. A reasonable fee may be charged for this service. If a temporary employment service submits a request for a determination of whether a person the service plans to refer to an employment position has been convicted of or pleaded guilty to an offense listed in division (A)(1), (3), (4), (5), or (6) of section 109.572 of the Revised Code, the request shall be treated as a single request and only one fee shall be charged.

(F)(1) As used in division (F)(2) of this section, "head start agency"

means an entity in this state that has been approved to be an agency for purposes of subchapter II of the "Community Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, as amended.

(2)(a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code, the board of education of any school district; the director of mental retardation and developmental disabilities; any county board of mental retardation and developmental disabilities; any entity under contract with a county board of mental retardation and developmental disabilities; the chief administrator of any chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed or certified under Chapter 5104. of the Revised Code; the administrator of any type C family day-care home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st general assembly; the chief administrator of any head start agency; or the executive director of a public children services agency may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in any position after October 2, 1989, or any individual wishing to apply for employment with a board of education may request, with regard to the individual, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. On receipt of the request, the superintendent shall determine whether that information exists and, upon request of the person, board, or entity requesting information, also shall request from the federal bureau of investigation any criminal records it has pertaining to that individual. The superintendent or the superintendent's designee also may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code. Within thirty days of the date that the superintendent receives a request, the superintendent shall send to the board, entity, or person a report of any information that the superintendent determines exists, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, shall send the board, entity, or person a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

(b) When a board of education is required to receive information under this section as a prerequisite to employment of an individual pursuant to section 3319.39 of the Revised Code, it may accept a certified copy of records that were issued by the bureau of criminal identification and investigation and that are presented by an individual applying for employment with the district in lieu of requesting that information itself. In such a case, the board shall accept the certified copy issued by the bureau in order to make a photocopy of it for that individual's employment application documents and shall return the certified copy to the individual. In a case of that nature, a district only shall accept a certified

copy of records of that nature within one year after the date of their issuance by the bureau.

(3) The state board of education may request, with respect to any individual who has applied for employment after October 2, 1989, in any position with the state board or the department of education, any information that a school district board of education is authorized to request under division (F)(2) of this section, and the superintendent of the bureau shall proceed as if the request has been received from a school district board of education under division (F)(2) of this section.

(4) When the superintendent of the bureau receives a request for information ~~that is authorized~~ under section 3319.291 of the Revised Code, the superintendent shall proceed as if the request has been received from a school district board of education under division (F)(2) of this section.

(5) When a recipient of an OhioReads classroom or community reading grant paid under section 3301.86 or 3301.87 of the Revised Code or an entity approved by the OhioReads council requests, with respect to any individual who applies to participate in providing any program or service through an entity approved by the OhioReads council or funded in whole or in part by the grant, the information that a school district board of education is authorized to request under division (F)(2)(a) of this section, the superintendent of the bureau shall proceed as if the request has been received from a school district board of education under division (F)(2)(a) of this section.

(G) In addition to or in conjunction with any request that is required to be made under section 173.41, 3701.881, 3712.09, 3721.121, or 3722.151 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing direct care to an older adult, the chief administrator of a PASSPORT agency that provides services through the PASSPORT program created under section 173.40 of the Revised Code, home health agency, hospice care program, home licensed under Chapter 3721. of the Revised Code, adult day-care program operated pursuant to rules adopted under section 3721.04 of the Revised Code, or adult care facility may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied after January 27, 1997, for employment in a position that does not involve providing direct care to an older adult, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. On receipt of the request, the superintendent shall determine whether that information exists and, on request of the administrator requesting information, shall also request from the federal bureau of investigation any criminal records it has pertaining to that individual. The superintendent or the superintendent's designee also may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code. Within thirty days of the date a request is received, the superintendent shall send to the administrator a report of any information determined to exist, including information contained in records that have been sealed under section 2953.32 of

the Revised Code, and, within thirty days of its receipt, shall send the administrator a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

(H) Information obtained by a board, administrator, or other person under this section is confidential and shall not be released or disseminated.

(I) The superintendent may charge a reasonable fee for providing information or criminal records under division (F)(2) or (G) of this section."

In line 3226, strike through "may" and insert "shall"

In line 3227, strike through everything after "to"

In line 3228, strike through "the following:"

In line 3229, strike through "(1) Investigate" and insert "investigate"

In line 3232, strike through the semicolon

In line 3233, strike through "(2) Obtain" and insert ". If the person does not present proof that the person has been a resident of this state for the five-year period immediately prior to the date upon which the investigation described in this division is requested, or does not provide evidence that within that five-year period the superintendent of the bureau of criminal identification and investigation has requested information about the person from the federal bureau of investigation, the state board or the superintendent of public instruction shall request the superintendent of the bureau of criminal identification and investigation to obtain"

In line 3234, after the period insert "If the person presents proof that the person has been a resident of this state for that five-year period, the state board or the superintendent of public instruction may request the superintendent of the bureau of criminal identification and investigation to obtain any criminal records that the federal bureau of investigation has on the person."

Between lines 3367 and 3368, insert:

"**Sec. 3319.55.** (A) A grant program is hereby established to recognize and reward public school teachers who hold valid teaching certificates or licenses issued by the national board for professional teaching standards. The superintendent of public instruction shall administer this program in accordance with this section and rules which the state board of education shall adopt in accordance with Chapter 119. of the Revised Code.

In each fiscal year that the general assembly appropriates funds for purposes of this section, the superintendent of public instruction shall award a grant to each person who, by the first day of ~~August~~April of that year and in accordance with the rules adopted under this section, submits to the superintendent evidence indicating all of the following:

(1) The person holds a valid certificate or license issued by the national

board for professional teaching standards;

(2) The person ~~was~~has been employed full-time as a teacher by the board of education of a school district in this state during the current school year ~~that immediately preceded the fiscal year~~;

(3) The date the person was accepted into the national board certification or licensure program.

An individual may receive a grant under this section in each fiscal year the person is eligible for a grant and submits evidence of that eligibility in accordance with this section.

(B) The amount of the grant awarded to each eligible person under division (A) of this section in any fiscal year shall equal the following:

(1) Two thousand five hundred dollars for any teacher accepted as a candidate for certification or licensure by the national board on or before May 31, 2003, and issued a certificate or license by the national board on or before December 31, 2004;

(2) One thousand dollars for any other teacher issued a certificate or license by the national board.

However, if the funds appropriated for purposes of this section in any fiscal year are not sufficient to award the full grant amount to each person who is eligible in that fiscal year, the superintendent shall prorate the amount of the grant awarded in that fiscal year to each eligible person."

In line 3621, after "9.314," insert "109.57,"

In line 3624, after "3319.51," insert "3319.55,"

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. 106**-Representative Williams, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Sub. H. B. No. 106**-Representative Williams, et al., were taken up for consideration.

**Am. Sub. H. B. No. 106**-Representatives Williams, Otterman, McGregor, Hartnett, Hagan, Perry, Gilb, Koziura, Widowfield, Young, Boccieri, Willamowski, Aslanides, Carano, Chandler, Cirelli, Clancy, Collier, DeBose, Domenick, C. Evans, Flowers, Gibbs, Grendell, Harwood, Kilbane, Latta, Martin, Niehaus, T. Patton, Peterson, Schlichter, Schmidt, Setzer, Sferra, J. Stewart, Taylor. -Senators Coughlin, Padgett, Zurz, Robert Gardner, Harris,

Spada.

To amend sections 9.314, 2151.011, 2151.421, 2151.86, 2152.18, 3301.0711, 3302.01, 3302.03, 3313.53, 3313.533, 3313.61, 3313.611, 3313.612, 3313.662, 3313.672, 3313.85, 3317.03, 3319.29, 3319.291, 3319.303, 3319.31, 3319.51, 3381.04, and 5139.05 of the Revised Code; to amend Section 7 of Sub. H.B. 196 of the 124th General Assembly and to amend Section 7 of Sub. H.B. 196 of the 124th General Assembly for the purpose of codifying it as section 3319.304 of the Revised Code; and to amend Sections 41.37 and 98.01 of Am. Sub. H.B. 95 of the 125th General Assembly to require that upon a child's discharge or release from the custody of the Department of Youth Services certain records pertaining to that child be released to the juvenile court and to the superintendent of the school district in which the child is entitled to attend school; to specify that a school district's policy on the assignment of students to an alternative school may provide for the assignment of any child released from the custody of the Department of Youth Services to such a school; to make the Department of Youth Services eligible for certain grants and services from the Ohio SchoolNet Commission; to include public and chartered nonpublic schools as out-of-home care entities for the purposes of the Juvenile Code; to exempt limited English proficient students who have been enrolled in United States schools for less than one year from certain testing and accountability requirements; to require the county probate court, instead of the educational service center governing board, to perform the duties of or fill vacancies on the board of education of a local school district if the board fails to perform those duties or fill vacancies; to eliminate the deadline for issuing one-year conditional teaching permits in the area of intervention specialist; to clarify the calculation of transitional aid to school districts in fiscal year 2005; to establish a per student rate to be paid by the Department of Education for a safe school help line; to permit a reverse auction to satisfy any law requiring a political subdivision to competitively bid for services or supplies; and to clarify the minimum population requirement for counties that create a regional arts and cultural district under alternative procedures.

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

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

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Beatty	Blasdel
Book	Buehrer	Calvert	Carano
Carmichael	Cates	Chandler	Clancy
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Driehaus	Evans C.	Evans D.	Flowers
Gibbs	Gilb	Hagan	Harwood
Hollister	Hoops	Hughes	Husted
Kearns	Kilbane	Koziura	Latta
Martin	Miller	Niehaus	Oelslager

Olman	Otterman	Patton T.	Perry
Peterson	Price	Raga	Rausen
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	Slaby	Smith G.	Stewart D.
Stewart J.	Taylor	Trakas	Wagner
Walcher	White	Widowfield	Willamowski
Wilson	Wolpert	Woodard	Yates
			Householder-73.

Those who voted in the negative were: Representatives

Allen	Bocchieri	Brinkman	Brown
Callender	Domenick	Faber	Fessler
Grendell	Hartnett	Jerse	Key
Mason	McGregor	Patton S.	Redfern
Reidelbach	Skindell	Smith S.	Strahorn
Sykes	Ujvagi	Webster	Widener
			Young-25.

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. 163** - Representatives Oelslager, Olman, Hagan, Raussen, Williams, Barrett, D. Evans, C. Evans, Fessler, Latta, McGregor, Perry, Hollister, Willamowski, Brown, Allen, Aslanides, Beatty, Bocchieri, Buehrer, Calvert, Carmichael, Cates, Chandler, Cirelli, Clancy, Core, DeBose, DePiero, Distel, Domenick, Flowers, Gibbs, Gilb, Harwood, Hoops, Hughes, Husted, Jerse, Jolivet, Key, Koziura, Martin, Mason, Niehaus, Otterman, S. Patton, T. Patton, Price, Reidelbach, Reinhard, Schaffer, Schlichter, Schmidt, Schneider, Setzer, Skindell, D. Stewart, J. Stewart, Strahorn, Taylor, Trakas, Wagner, Webster, White, Widener, Wilson. Senators Austria, Harris, Hottinger, Padgett, Stivers, Spada, Jacobson, Nein

To amend sections 1547.11, 1901.41, 2152.19, 2903.08, 2925.01 2929.01, 2929.13, 2929.14, 2929.15, 2929.16, 2929.17, 2929.19, 2929.24, 2929.27, 4123.54, 4507.02, 4507.05, 4510.13, 4510.17, 4510.54, 4511.19, 4511.191, 4511.192, 4511.194, 4511.196, 4511.197, and 4513.39 and to enact sections 1907.231, 2301.141, 2941.1413, and 2941.1414 of the Revised Code and to amend Section 5 of Am. Sub. S.B. 123 of the 123rd General Assembly to provide an additional prison term or term of imprisonment for certain repeat OVI or OVUAC offenders; to provide an increased penalty for an OVI conviction if the offender refused to take a chemical test after being arrested for the offense and has a prior OVI or OVUAC conviction; to require municipal, county, and common pleas court clerks to retain admissible

evidence of criminal convictions for fifty years after the entry of judgment of that conviction; to give the police force of a township with a population of greater than fifty thousand the same authority to make arrests for specified traffic offenses on interstate highways as now exists for the police force of a township with a population greater than sixty thousand; to increase the penalty for vehicular assault when the offender also fails to stop at the scene of the accident resulting in that offense; to modify the definition of "committed in the vicinity of a school" in the Controlled Substance Law to specify that it is irrelevant whether the person who engages in the prohibited conduct knows that conduct is being committed on school premises, in a school building, or within 1,000 feet of any school premises; to specifically authorize continuous alcohol monitoring as a sanction in criminal and delinquent child cases; and to correct errors in and otherwise modify certain provisions that contain some of the Ohio Criminal Sentencing Commission's traffic law revisions.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested:

In line 34, after "2903.08," insert "2925.01,"

Between lines 738 and 739, insert:

**"Sec. 2925.01.** As used in this chapter:

(A) "Administer," "controlled substance," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.

(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code.

(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.

(D) "Bulk amount" of a controlled substance means any of the following:

(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of marihuana, cocaine, L.S.D., heroin, and hashish and except as provided in division (D)(2) or (5) of this section, whichever of the following is applicable:

(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;

(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;

(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant;

(d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II opiate or opium derivative;

(e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine;

(f) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a final dosage form manufactured by a person authorized by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the federal drug abuse control laws, as defined in section 3719.01 of the Revised Code, that is or contains any amount of a schedule II depressant substance or a schedule II hallucinogenic substance;

(g) An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the federal drug abuse control laws.

(2) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III or IV substance other than an anabolic steroid or a schedule III opiate or opium derivative;

(3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III opiate or opium derivative;

(4) An amount equal to or exceeding two hundred fifty milliliters or two hundred fifty grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule V substance;

(5) An amount equal to or exceeding two hundred solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid.

(E) "Unit dose" means an amount or unit of a compound, mixture, or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

(F) "Cultivate" includes planting, watering, fertilizing, or tilling.

(G) "Drug abuse offense" means any of the following:

(1) A violation of division (A) of section 2913.02 that constitutes theft of drugs, or a violation of section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code;

(2) A violation of an existing or former law of this or any other state or of the United States that is substantially equivalent to any section listed in division (G)(1) of this section;

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;

(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G)(1), (2), or (3) of this section.

(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.

(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following:

(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:

(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;

(b) Any aerosol propellant;

(c) Any fluorocarbon refrigerant;

(d) Any anesthetic gas.

(2) Gamma Butyrolactone;

## (3) 1,4 Butanediol.

(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.

(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of any of the following reference works:

(1) "The National Formulary";

(2) "The United States Pharmacopeia," prepared by authority of the United States Pharmacopeial Convention, Inc.;

(3) Other standard references that are approved by the state board of pharmacy.

(N) "Juvenile" means a person under eighteen years of age.

(O) "Counterfeit controlled substance" means any of the following:

(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;

(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.

(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the

offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.

(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed.

(R) "School premises" means either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;

(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

(S) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

(T) "Disciplinary counsel" means the disciplinary counsel appointed by the board of commissioners on grievances and discipline of the supreme court under the Rules for the Government of the Bar of Ohio.

(U) "Certified grievance committee" means a duly constituted and organized committee of the Ohio state bar association or of one or more local bar associations of the state of Ohio that complies with the criteria set forth in Rule V, section 6 of the Rules for the Government of the Bar of Ohio.

(V) "Professional license" means any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate, or temporary registration that is described in divisions (W)(1) to (36) of this section and that qualifies a person as a professionally licensed person.

(W) "Professionally licensed person" means any of the following:

(1) A person who has obtained a license as a manufacturer of controlled substances or a wholesaler of controlled substances under Chapter 3719. of the Revised Code;

(2) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Chapter 4701. of the Revised Code and who holds an Ohio permit issued under that chapter;

(3) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;

(4) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;

(5) A person licensed as an auctioneer or apprentice auctioneer or licensed to operate an auction company under Chapter 4707. of the Revised Code;

(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;

(7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;

(8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, managing cosmetologist's license, managing hair designer's license, managing manicurist's license, managing esthetician's license, managing natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;

(9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;

(10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;

(11) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;

(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;

(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;

(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;

(15) A person licensed as a pharmacist, a pharmacy intern, a wholesaler distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;

(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;

(17) A person who has been issued a certificate to practice medicine and surgery, osteopathic medicine and surgery, a limited branch of medicine, or podiatry under Chapter 4731. of the Revised Code;

(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;

(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;

(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;

(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;

(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;

(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;

(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;

(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;

(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;

(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;

(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;

(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;

(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;

(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;

(32) A person who is licensed as a professional clinical counselor or professional counselor, licensed as a social worker or independent social worker, or registered as a social work assistant under Chapter 4757. of the Revised Code;

(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;

(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;

(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;

(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.

(X) "Cocaine" means any of the following:

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;

(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;

(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.

(Y) "L.S.D." means lysergic acid diethylamide.

(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a

felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.

(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

(EE) "Minor drug possession offense" means either of the following:

(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;

(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.

(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.

(GG) "Crack cocaine" means a compound, mixture, preparation, or substance that is or contains any amount of cocaine that is analytically identified as the base form of cocaine or that is in a form that resembles rocks or pebbles generally intended for individual use.

(HH) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.

(II) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort."

In line 5210, after "2903.08," insert "2925.01,"

In line 5247, after "(A)" insert "Section 2925.01 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 364 and Am. Sub. H.B. 415 of the 124th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

(B)"

In line 5257, delete "(B)" and insert "(C)"

In line 5266, delete "(C)" and insert "(D)"

In line 1 of the title, after "2903.08," insert "2925.01,"

In line 28 of the title, after the semicolon insert "to modify the definition of "committed in the vicinity of a school" in the Controlled Substance Law to specify that it is irrelevant whether the person who engages in the prohibited conduct knows that conduct is being committed on school premises, in a school building, or within 1,000 feet of any school premises;"

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. 163**-Representative Oelslager, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

**Am. Sub. H. B. No. 163**-Representatives Oelslager, Olman, Hagan, Raussen, Williams, Barrett, D. Evans, C. Evans, Fessler, Latta, McGregor, Perry, Hollister, Willamowski, Brown, Allen, Aslanides, Beatty, Boccieri, Buehrer, Calvert, Carmichael, Cates, Chandler, Cirelli, Clancy, Core, DeBose, DePiero, Distel, Domenick, Flowers, Gibbs, Gilb, Harwood, Hoops, Hughes, Husted, Jerse, Jolivette, Key, Koziura, Martin, Mason, Niehaus, Otterman, S. Patton, T. Patton, Price, Reidelbach, Reinhard, Schaffer, Schlichter, Schmidt, Schneider, Setzer, Skindell, D. Stewart, J. Stewart, Strahorn, Taylor, Trakas, Wagner, Webster, White, Widener, Wilson. -Senators Austria, Harris, Hottinger, Padgett, Stivers, Spada, Jacobson, Nein.

To amend sections 1547.11, 1901.41, 2152.19, 2903.08, 2925.01, 2929.01, 2929.13, 2929.14, 2929.15, 2929.16, 2929.17, 2929.19, 2929.24, 2929.27, 4123.54, 4507.02, 4507.05, 4510.13, 4510.17, 4510.54, 4511.19, 4511.191, 4511.192, 4511.194, 4511.196, 4511.197, and 4513.39 and to enact sections 1907.231, 2301.141, 2941.1413, and 2941.1414 of the Revised Code and to amend Section 5 of Am. Sub. S.B. 123 of the 123rd General Assembly to provide an additional prison term or term of imprisonment for certain repeat OVI or OVUAC offenders; to provide an increased penalty for an OVI conviction if the offender refused to take a chemical test after being arrested for the offense and has a prior OVI or OVUAC conviction; to require municipal, county, and common pleas court clerks to retain admissible evidence of criminal convictions for fifty years after the entry of judgment of that conviction; to give the police force of a township with a population of greater than fifty thousand the same authority to make arrests for specified traffic offenses on interstate highways as now exists for the police force of a township with a population greater than sixty thousand; to increase the penalty for vehicular assault when the offender also fails to stop at the scene of the accident resulting in that offense; to modify the definition of "committed in the vicinity of a school" in the Controlled Substance Law to specify that it is irrelevant whether the person who engages in the prohibited conduct knows that conduct is being committed on school premises, in a school building, or within 1,000 feet of any school premises; to specifically authorize continuous alcohol monitoring as a sanction in criminal and delinquent child cases; and to correct errors in and otherwise modify certain provisions that contain some of the Ohio Criminal Sentencing Commission's traffic law revisions.

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

The yeas and nays were taken and resulted - yeas 95, nays 3, 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
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
Taylor	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Wilson	Wolpert
Woodard	Young		Householder-95.

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

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. 230** - Representatives Reinhard, Schlichter, Widowfield, Aslanides, Carmichael, Cates, DeBose, C. Evans, Flowers, Gibbs, Hagan, Otterman, Perry, Raussen, Schmidt, Seitz, Setzer, Webster.  
Senators Armbruster, Amstutz, Robert Gardner, Harris, Padgett, Spada

To amend sections 109.801, 121.08, 306.351, 307.05, 307.055, 307.86, 1548.08, 1548.09, 1548.11, 1548.13, 1548.141, 1548.20, 2935.27, 2937.221, 3937.41, 3937.43, 3937.45, 4501.01, 4501.02, 4501.021, 4501.11, 4503.01, 4503.03, 4503.034, 4503.04, 4503.041, 4503.042, 4503.10, 4503.12, 4503.13, 4503.182, 4503.231, 4503.24, 4503.44, 4504.01, 4505.032, 4505.06, 4505.07, 4505.08, 4505.09, 4505.10, 4505.11, 4505.13, 4505.141, 4506.01, 4506.08, 4506.09, 4506.11, 4506.12, 4507.13, 4507.141, 4507.19, 4507.20, 4507.50, 4507.51, 4507.53, 4507.99, 4509.05, 4509.101, 4509.79, 4510.10, 4510.22,

4510.31, 4510.43, 4511.01, 4513.61, 4513.63, 4517.01, 4517.03, 4517.10, 4517.14, 4519.03, 4519.05, 4519.56, 4519.57, 4519.58, 4519.61, 4519.631, 4519.68, 4738.05, 4738.18, 4749.02, 4749.03, 4749.04, 4749.05, 4749.06, 4749.07, 4749.08, 4749.10, 4749.11, 4749.12, 4749.13, 4749.14, 4905.06, 4919.79, 4923.20, 5502.01, 5502.11, 5503.34, 5516.01, 5516.04, 5516.061, 5516.10, 5577.042, 5577.05, and 5577.99, to enact sections 4503.036, 4503.642, 4505.022, 4507.1614, 4511.121, 4549.081, 4738.19, 4749.021, 5502.011, 5516.062, and 5577.15 of the Revised Code, to amend Sections 29 and 85 of Am. Sub. H.B. 95 of the 125th General Assembly, and to amend Section 6 of Sub. S.B. 59 of the 124th General Assembly to revise and clarify the laws governing the Department of Public Safety, including the Bureau of Motor Vehicles and the State Highway Patrol, to make changes and corrections to the motor vehicle certificate of title law and registration law, to clarify that the state is the sole regulator for the registration, licensing, and regulation of motor vehicle salvage dealers, to expand the authority of the Department of Transportation concerning the regulation of advertising devices, to transfer regulatory authority for private investigators and security guard providers from the Division of Real Estate and Professional Licensing in the Department of Commerce to the Department of Public Safety, to exempt from competitive bidding requirements contracts between a board of county commissioners and a joint emergency medical service district for the services of emergency medical service organizations, and to make an appropriation.

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. 230**-Representative Reinhard, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Sub. H. B. No. 230**-Representative Reinhard, et al., were taken up for consideration.

**Sub. H. B. No. 230**-Representatives Reinhard, Schlichter, Widowfield, Aslanides, Carmichael, Cates, DeBose, C. Evans, Flowers, Gibbs, Hagan, Otterman, Perry, Raussen, Schmidt, Seitz, Setzer, Webster. -Senators Armbruster, Amstutz, Robert Gardner, Harris, Padgett, Spada.

To amend sections 109.801, 121.08, 306.351, 307.05, 307.055, 307.86, 1548.08, 1548.09, 1548.11, 1548.13, 1548.141, 1548.20, 2935.27, 2937.221, 3937.41, 3937.43, 3937.45, 4501.01, 4501.02, 4501.021, 4501.11, 4503.01, 4503.03, 4503.034, 4503.04, 4503.041, 4503.042, 4503.10, 4503.12, 4503.13,

4503.182, 4503.231, 4503.24, 4503.44, 4504.01, 4505.032, 4505.06, 4505.07, 4505.08, 4505.09, 4505.10, 4505.11, 4505.13, 4505.141, 4506.01, 4506.08, 4506.09, 4506.11, 4506.12, 4507.13, 4507.141, 4507.19, 4507.20, 4507.50, 4507.51, 4507.53, 4507.99, 4509.05, 4509.101, 4509.79, 4510.10, 4510.22, 4510.31, 4510.43, 4511.01, 4513.61, 4513.63, 4517.01, 4517.03, 4517.10, 4517.14, 4519.03, 4519.05, 4519.56, 4519.57, 4519.58, 4519.61, 4519.631, 4519.68, 4738.05, 4738.18, 4749.02, 4749.03, 4749.04, 4749.05, 4749.06, 4749.07, 4749.08, 4749.10, 4749.11, 4749.12, 4749.13, 4749.14, 4905.06, 4919.79, 4923.20, 5502.01, 5502.11, 5503.34, 5505.16, 5516.01, 5516.04, 5516.061, 5516.10, 5577.042, 5577.05, and 5577.99, to enact sections 4503.036, 4503.642, 4505.022, 4507.1614, 4511.121, 4549.081, 4738.19, 4749.021, 5502.011, 5516.062, and 5577.15 of the Revised Code, to amend Sections 29 and 85 of Am. Sub. H.B. 95 of the 125th General Assembly, and to amend Section 6 of Sub. S.B. 59 of the 124th General Assembly to revise and clarify the laws governing the Department of Public Safety, including the Bureau of Motor Vehicles and the State Highway Patrol, to make changes and corrections to the motor vehicle certificate of title law and registration law, to set age 60 as the mandatory retirement age for members of the state highway patrol, to clarify that the state is the sole regulator for the registration, licensing, and regulation of motor vehicle salvage dealers, to expand the authority of the Department of Transportation concerning the regulation of advertising devices, to transfer regulatory authority for private investigators and security guard providers from the Division of Real Estate and Professional Licensing in the Department of Commerce to the Department of Public Safety, to exempt from competitive bidding requirements contracts between a board of county commissioners and a joint emergency medical service district for the services of emergency medical service organizations, and to make an appropriation.

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

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	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	Reinhard

Schaffer	Schlichter	Schmidt	Schneider
Seaver	Seitz	Setzer	Sferra
Skindell	Slaby	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Taylor	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Wilson	Wolpert
Woodard	Yates	Young	Householder-96.

Representative Brinkman voted in the negative-1.

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. 325** - Representatives Hollister, Faber, Aslanides, Blasdel, Brinkman, Callender, Carmichael, Clancy, Collier, Daniels, C. Evans, Fessler, Flowers, Gibbs, Gilb, Grendell, Hoops, Latta, Kearns, Niehaus, Oelslager, Olman, Peterson, Raussen, Reidelbach, Reinhard, Schaffer, Schmidt, J. Stewart, Taylor, Trakas, Wagner, Widener, Widowfield, Willamowski, Wolpert, Young, Allen, Book, Carano, Cirelli, DePiero, Distel, Domenick, Driehaus, Hartnett, Harwood, Jerse, Koziura, Otterman, S. Patton, Perry, Redfern, Seaver, Sferra, Wilson, Cates, D. Stewart, Barrett, Beatty, Brown, Buehrer, Chandler, DeBose, DeGeeter, D. Evans, Hagan, Hughes, Key, Martin, Miller, T. Patton, Seitz, Setzer, Skindell, G. Smith, S. Smith, Strahorn, Sykes, Ujvagi, Walcher, Woodard, Yates. Senators Mumper, Austria, Robert Gardner, Harris, Jordan, Padgett, Roberts, Spada, Schuring, Wachtmann, Prentiss, Fedor, DiDonato, Miller, Zurz, Hagan, Stivers, Fingerhut

To amend sections 1711.09, 2915.01, 2915.081, 2915.09, 2915.092, 2915.093, 2915.101, and 2915.13 of the Revised Code to revise the Charitable Bingo Law.

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. 325**-Representative Hollister, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Sub. H. B. No. 325**-Representative Hollister, et al., were taken up for consideration.

**Sub. H. B. No. 325**-Representatives Hollister, Faber, Aslanides, Blasdel, Brinkman, Callender, Carmichael, Clancy, Collier, Daniels, C. Evans, Fessler, Flowers, Gibbs, Gilb, Grendell, Hoops, Latta, Kearns, Niehaus, Oelslager, Olman, Peterson, Raussen, Reidelbach, Reinhard, Schaffer, Schmidt, J. Stewart, Taylor, Trakas, Wagner, Widener, Widowfield, Willamowski, Wolpert, Young, Allen, Book, Carano, Cirelli, DePiero, Distel, Domenick, Driehaus, Hartnett, Harwood, Jerse, Koziura, Otterman, S. Patton, Perry, Redfern, Seaver, Sferra, Wilson, Cates, D. Stewart, Barrett, Beatty, Brown, Buehrer, Chandler, DeBose, DeGeeter, D. Evans, Hagan, Hughes, Key, Martin, Miller, T. Patton, Seitz, Setzer, Skindell, G. Smith, S. Smith, Strahorn, Sykes, Ujvagi, Walcher, Woodard, Yates. -Senators Mumper, Austria, Robert Gardner, Harris, Jordan, Padgett, Roberts, Spada, Schuring, Wachtmann, Prentiss, Fedor, DiDonato, Miller, Zurz, Hagan, Stivers, Fingerhut.

To amend sections 1711.09, 2915.01, 2915.081, 2915.09, 2915.092, 2915.093, 2915.101, and 2915.13 of the Revised Code to revise the Charitable Bingo Law.

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

The yeas and nays were taken and resulted - yeas 91, nays 7, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Beatty	Blasdel
Boccieri	Book	Brown	Buehrer
Callender	Calvert	Carano	Carmichael
Chandler	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
Oelslager	Olman	Otterman	Patton S.
Patton T.	Perry	Peterson	Price
Raga	Redfern	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Seaver
Seitz	Setzer	Sferra	Skindell
Slaby	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Taylor
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wilson	Wolpert	Woodard
Yates	Young		Householder-91.

Representatives Barrett, Brinkman, Cates, Clancy, Niehaus, Raussen, and

Schneider voted in the negative-7.

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. 369** - Representatives Collier, Calvert, Peterson, Cates, Clancy, T. Patton, Setzer, Hughes, Carano, Skindell, Aslanides, Ujvagi, D. Evans, Harwood, Allen, DeWine, Distel, Perry, Schaffer, Beatty, Barrett, Kearns, Latta, Brown, Chandler, Cirelli, C. Evans, Fessler, Flowers, Hartnett, Hollister, Hoops, Otterman, Raussen, Schmidt, Schneider, Taylor, Walcher. Senators Austria, Amstutz, Fedor, Padgett, Roberts, Spada, Zurz, Blessing, Mumper

To amend sections 323.151, 955.011, 2913.01, 2913.02, 2921.321, 4503.064, and 5117.01 of the Revised Code to expand the offense of "harassing a police dog or horse"; to rename "handicapped assistance dogs" as "service dogs"; to enact the offense of "harassing a service dog"; to require an offender who commits any of the assault or harassment offenses related to police dogs or horses or service dogs to pay resulting veterinary, replacement, and training costs; to make theft of a police dog or horse or a service dog a third degree felony; to include seizure assistance, response, and alert dogs as "service dogs" for the assault, harassment, and theft offenses related to service dogs; to exempt seizure assistance, seizure response, or seizure alert dogs from the fee for registration and provide that the registration is permanent; and to replace the phrase "unfit to work" with "unable to work" in various definitions related to persons with a disability.

Attest:

Matthew T. Schuler,  
Clerk.

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. 392** - Representatives Wagner, Williams, McGregor, Latta, Hoops, Price, Seitz, Aslanides, G. Smith, Hollister, Kearns, Harwood, Perry, Raga, Walcher, Distel, DeGeeter, Collier, Schmidt, C. Evans, Faber, Ujvagi, Gilb, Reidelbach, Barrett, Allen, Willamowski, Beatty, Book, Brown, Carano,

Chandler, Cirelli, Core, Daniels, Domenick, D. Evans, Flowers, Gibbs, Hagan, Hartnett, Hughes, Key, Mason, Miller, Niehaus, Otterman, Raussen, Redfern, Schlichter, Schneider, Sferra, Skindell, Slaby, D. Stewart, J. Stewart, Sykes, Taylor, Webster, Wilson, Woodard. Senators Wachtmann, Brady, DiDonato, Fedor, Hagan, Padgett, Prentiss, Roberts, Zurz, Miller, Schuring, Mallory, Harris, Randy Gardner, Spada, Robert Gardner

To amend sections 2108.04, 2108.10, 2108.17, 2108.18, and 2133.07 and to enact section 2133.16 of the Revised Code to permit a declarant of a declaration or living will to make an anatomical gift in the declaration and to make changes to the membership of the Second Chance Trust Fund Advisory Committee.

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. 392**-Representative Wagner, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Sub. H. B. No. 392**-Representative Wagner, et al., were taken up for consideration.

**Sub. H. B. No. 392**-Representatives Wagner, Williams, McGregor, Latta, Hoops, Price, Seitz, Aslanides, G. Smith, Hollister, Kearns, Harwood, Perry, Raga, Walcher, Distel, DeGeeter, Collier, Schmidt, C. Evans, Faber, Ujvagi, Gilb, Reidelbach, Barrett, Allen, Willamowski, Beatty, Book, Brown, Carano, Chandler, Cirelli, Core, Daniels, Domenick, D. Evans, Flowers, Gibbs, Hagan, Hartnett, Hughes, Key, Mason, Miller, Niehaus, Otterman, Raussen, Redfern, Schlichter, Schneider, Sferra, Skindell, Slaby, D. Stewart, J. Stewart, Sykes, Taylor, Webster, Wilson, Woodard. -Senators Wachtmann, Brady, DiDonato, Fedor, Hagan, Padgett, Prentiss, Roberts, Zurz, Miller, Schuring, Mallory, Harris, Randy Gardner, Spada, Robert Gardner.

To amend sections 2108.04, 2108.10, 2108.17, 2108.18, and 2133.07 and to enact section 2133.16 of the Revised Code to permit a declarant of a declaration or living will to make an anatomical gift in the declaration and to make changes to the membership of the Second Chance Trust Fund Advisory Committee.

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
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	Taylor	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Wilson	Wolpert	Woodard	Yates
Young			Householder-98.

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. 393** - Representatives Harwood, Perry, Williams, Hartnett, Carano, Schmidt, Seitz, Seaver, Sferra, Book, Kearns, Otterman, DeGeeter, Ujvagi, Barrett, Core, Hughes, Miller, Webster, Wilson, 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. Senators Harris, White, Nein, Dann, Padgett, Hagan, Robert Gardner, Zurz, Miller, DiDonato, Spada

To amend sections 3383.01 and 3383.07 of the Revised Code to provide that the Ohio Arts and Sports Facilities Commission may participate in the financing of motorsports complexes.

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. 393**-Representative Harwood, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Sub. H. B. No. 393**-Representative Harwood, et al., were taken up for consideration.

**Sub. 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, 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. -Senators Harris, White, Nein, Dann, Padgett, Hagan, Robert Gardner, Zurz, Miller, DiDonato, Spada.

To amend sections 3383.01 and 3383.07 of the Revised Code to provide that the Ohio Arts and Sports Facilities Commission may participate in the financing of motorsports complexes.

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

5-26-04

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. 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 89, nays 8, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brown
Calvert	Carano	Carmichael	Chandler
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
Raussen	Redfern	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Skindell
Slaby	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Taylor	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Willamowski	Wilson
Wolpert	Woodard	Yates	Young
			Householder-89.

Representatives Brinkman, Buehrer, Callender, Cates, Fessler, Hagan, Reidelbach, and Widowfield voted in the negative-8.

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. 420** - Representatives T. Patton, Otterman, Strahorn, Wilson, Allen, Reidelbach, Miller, Hughes, Barrett, Beatty, Blasdel, Brown, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Core, Daniels, DeGeeter, Domenick, Driehaus, C. Evans, D. Evans, Flowers, Gibbs, Gilb, Hagan, Harwood, Key, Martin, Mason, Niehaus, S. Patton, Perry, Price, Redfern, Schmidt, Seitz, Setzer, S. Smith, D. Stewart, Taylor, Willamowski, Wolpert, Yates. Senators Harris, Carey, Hottinger, Spada, Armbruster, Brady, DiDonato, Randy Gardner, Robert Gardner, Goodman, Miller, Mumper, Padgett, Schuler, Austria

To amend sections 1309.613, 1309.625, 1349.99, 2716.03, 2716.11, and 4710.01, to enact new sections 4710.02, 4710.03, and 4710.99 and sections

1329.71, 1349.45, and 4710.04, and to repeal sections 4710.02, 4710.03, and 4710.99 of the Revised Code to modify the Secured Transactions Law relating to notice of the location for the disposition of collateral that is given to certain persons and to reduce the amount of damages recoverable by a debtor or secondary obligor in an action against a person found in violation of the Secured Transactions Law; relative to property subject to garnishment held by a judgment debtor's employer or another person; relative to engaging in the business of debt adjusting for debtors, to specify contribution limits and auditing and insurance coverage duties, to require timely disbursement of debtor funds, and to provide penalties, including a criminal penalty, for a violation; to eliminate previous provisions regulating entities engaging in the business of debt pooling; and to prohibit the unauthorized use of the name or logo of a financial institution in connection with the sale or advertising of any product or service if such use is misleading or deceptive.

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. 420**-Representative T. Patton, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Sub. H. B. No. 420**-Representative T. Patton, et al., were taken up for consideration.

**Sub. H. B. No. 420**-Representatives T. Patton, Otterman, Strahorn, Wilson, Allen, Reidelbach, Miller, Hughes, Barrett, Beatty, Blasdel, Brown, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Core, Daniels, DeGeeter, Domenick, Driehaus, C. Evans, D. Evans, Flowers, Gibbs, Gilb, Hagan, Harwood, Key, Martin, Mason, Niehaus, S. Patton, Perry, Price, Redfern, Schmidt, Seitz, Setzer, S. Smith, D. Stewart, Taylor, Willamowski, Wolpert, Yates. -Senators Harris, Carey, Hottinger, Spada, Armbruster, Brady, DiDonato, Randy Gardner, Robert Gardner, Goodman, Miller, Mumper, Padgett, Roberts, Schuler, Austria.

To amend sections 1309.613, 1309.625, 1349.99, 2716.03, 2716.11, and 4710.01, to enact new sections 4710.02, 4710.03, and 4710.99 and sections 1329.71, 1349.45, and 4710.04, and to repeal sections 4710.02, 4710.03, and 4710.99 of the Revised Code to modify the Secured Transactions Law relating to notice of the location for the disposition of collateral that is given to certain persons and to reduce the amount of damages recoverable by a debtor or secondary obligor in an action against a person found in violation of the

Secured Transactions Law; relative to property subject to garnishment held by a judgment debtor's employer or another person; relative to engaging in the business of debt adjusting for debtors, to specify contribution limits and auditing and insurance coverage duties, to require timely disbursement of debtor funds, and to provide penalties, including a criminal penalty, for a violation; to eliminate previous provisions regulating entities engaging in the business of debt pooling; and to prohibit the unauthorized use of the name or logo of a financial institution in connection with the sale or advertising of any product or service if such use is misleading or deceptive.

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
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	Taylor	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Wilson	Wolpert	Woodard	Yates
Young			Householder-98.

The Senate amendments were concurred in.

**Sub. S. B. No. 146**-Senators Austria, Harris, Randy Gardner, Schuring, Goodman, Robert Gardner, Jacobson, Stivers, Amstutz, Brady, Spada.  
-Representatives Collier, Willamowski, D. Evans, Faber, Barrett.

To amend sections 2901.04, 2909.01, 2909.04, 2909.07, 2913.01, and 2913.04 of the Revised Code to expand "disrupting public services" to specifically prohibit the use of a computer, another specified type of device or

the Internet so as to disrupt, interrupt, or impair any police, fire, educational, commercial, or governmental function; to expand "criminal mischief" to specifically include certain conduct related to computer hacking or the introduction of a computer contaminant; to increase the penalty for "unauthorized use of computer, cable, or telecommunication property" when committed under certain specified circumstances and when the value of the involved property, services, or victim's loss is at least \$10,000; to specifically include "computer hacking" within the scope of "criminal mischief" and "unauthorized use of computer, cable, or telecommunication property;" and to provide a rule for interpreting statutory references that define or specify a criminal offense, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Taylor moved to amend as follows:

In line 24, after "amended" insert "and sections 2915.01 and 2915.092 of the Revised Code be presented"

Between lines 682 and 683, insert:

"**Sec. 2915.01.** As used in this chapter:

- (A) "Bookmaking" means the business of receiving or paying off bets.
- (B) "Bet" means the hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.
- (C) "Scheme of chance" means a slot machine, lottery, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit.
- (D) "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.
- (E) "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.
- (F) "Gambling device" means any of the following:
  - (1) A book, totalizer, or other equipment for recording bets;
  - (2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;
  - (3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;
  - (4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;

(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.

(G) "Gambling offense" means any of the following:

(1) A violation of section 2915.02, 2915.03, 2915.04, 2915.05, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code;

(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in division (G)(1) of this section or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;

(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;

(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G)(1), (2), or (3) of this section.

(H) Except as otherwise provided in this chapter, "charitable organization" means any tax exempt religious, educational, veteran's, fraternal, sporting, service, nonprofit medical, volunteer rescue service, volunteer firefighter's, senior citizen's, historic railroad educational, youth athletic, amateur athletic, or youth athletic park organization. An organization is tax exempt if the organization is, and has received from the internal revenue service a determination letter that currently is in effect stating that the organization is, exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code, or if the organization is a sporting organization that is exempt from federal income taxation under subsection 501(a) and is described in subsection 501(c)(7) of the Internal Revenue Code. To qualify as a charitable organization, an organization, except a volunteer rescue service or volunteer fire fighter's organization, shall have been in continuous existence as such in this state for a period of two years immediately preceding either the making of an application for a bingo license under section 2915.08 of the Revised Code or the conducting of any game of chance as provided in division (D) of section 2915.02 of the Revised Code. A charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization, a fraternal organization, or a sporting organization does not have to have been in continuous existence as such in this state for a period of two years immediately preceding either the making of an application for a bingo license under section 2915.08 of the Revised Code or the conducting of any game of chance as provided in division (D) of section 2915.02 of the Revised Code.

(I) "Religious organization" means any church, body of communicants, or group that is not organized or operated for profit and that gathers in common membership for regular worship and religious observances.

(J) "Educational organization" means any organization within this state that is not organized for profit, the primary purpose of which is to educate and develop the capabilities of individuals through instruction by means of operating or contributing to the support of a school, academy, college, or university.

(K) "Veteran's organization" means any individual post or state headquarters of a national veteran's association or an auxiliary unit of any individual post of a national veteran's association, which post, state headquarters, or auxiliary unit has been in continuous existence in this state for at least two years and incorporated as a nonprofit corporation and either has received a letter from the state headquarters of the national veteran's association indicating that the individual post or auxiliary unit is in good standing with the national veteran's association or has received a letter from the national veteran's association indicating that the state headquarters is in good standing with the national veteran's association. As used in this division, "national veteran's association" means any veteran's association that has been in continuous existence as such for a period of at least five years and either is incorporated by an act of the United States congress or has a national dues-paying membership of at least five thousand persons.

(L) "Volunteer firefighter's organization" means any organization of volunteer firefighters, as defined in section 146.01 of the Revised Code, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company and that is recognized or ratified by a county, municipal corporation, or township.

(M) "Fraternal organization" means any society, order, state headquarters, or association within this state, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge, or chapter of a national or state organization, that exists exclusively for the common business or sodality of its members, and that has been in continuous existence in this state for a period of five years.

(N) "Volunteer rescue service organization" means any organization of volunteers organized to function as an emergency medical service organization, as defined in section 4765.01 of the Revised Code.

(O) "Service organization" means either of the following:

(1) Any organization, not organized for profit, that is organized and operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, medical and therapeutic services for persons who are crippled, born with birth defects, or have any other mental or physical defect or those organized and operated exclusively to protect, or to contribute to the support of organizations or institutions organized and operated exclusively to protect, animals from inhumane treatment or provide immediate shelter to victims of domestic violence;

(2) Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an

organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is an organization, not organized for profit, that is organized and operated primarily to provide, or to contribute to the support of organizations or institutions organized and operated primarily to provide, medical and therapeutic services for persons who are crippled, born with birth defects, or have any other mental or physical defect.

(P) "Nonprofit medical organization" means either of the following:

(1) Any organization that has been incorporated as a nonprofit corporation for at least five years and that has continuously operated and will be operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, hospital, medical, research, or therapeutic services for the public;

(2) Any organization that is described and qualified under subsection 501(c)(3) of the Internal Revenue Code, that has been incorporated as a nonprofit corporation for at least five years, and that has continuously operated and will be operated primarily to provide, or to contribute to the support of organizations or institutions organized and operated primarily to provide, hospital, medical, research, or therapeutic services for the public.

(Q) "Senior citizen's organization" means any private organization, not organized for profit, that is organized and operated exclusively to provide recreational or social services for persons who are fifty-five years of age or older and that is described and qualified under subsection 501(c)(3) of the Internal Revenue Code.

(R) "Charitable bingo game" means any bingo game described in division (S)(1) or (2) of this section that is conducted by a charitable organization that has obtained a license pursuant to section 2915.08 of the Revised Code and the proceeds of which are used for a charitable purpose.

(S) "Bingo" means either of the following:

(1) A game with all of the following characteristics:

(a) The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into twenty-five spaces arranged in five horizontal and five vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space.

(b) The participants cover the spaces on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator.

(c) A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically, from a receptacle that contains seventy-five objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five possible

combinations of a letter and a number that can appear on the bingo cards or sheets.

(d) The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers as described in division (S)(1)(c) of this section, that a predetermined and preannounced pattern of spaces has been covered on a bingo card or sheet being used by the participant.

(2) Instant bingo, punch boards, and raffles.

(T) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance.

(U) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages.

(V) "Participant" means any person who plays bingo.

(W) "Bingo session" means a period that includes both of the following:

(1) Not to exceed five continuous hours for the conduct of one or more games described in division (S)(1) of this section, instant bingo, and seal cards;

(2) A period for the conduct of instant bingo and seal cards for not more than two hours before and not more than two hours after the period described in division (W)(1) of this section.

(X) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:

(1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to conducting bingo.

(2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage.

(3) The food and beverages are sold at customary and reasonable prices.

(Y) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to sections 109.71 to 109.79 of the Revised Code and who is hired to provide security for the premises on which bingo is conducted.

(Z) "Charitable purpose" means that the net profit of bingo, other than instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:

(1) Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

(2) A veteran's organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least seventy-five per cent of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in division (B)(12) of section 5739.02 of the Revised Code, is used for awarding scholarships to or for attendance at an institution mentioned in division (B)(12) of section 5739.02 of the Revised Code, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups, or other bona fide nonprofit organizations, promotion of patriotism, or disaster relief;

(3) A fraternal organization that has been in continuous existence in this state for fifteen years and that uses the net profit exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, if contributions for such use would qualify as a deductible charitable contribution under subsection 170 of the Internal Revenue Code;

(4) A volunteer firefighter's organization that uses the net profit for the purposes set forth in division (L) of this section.

(AA) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter amended.

(BB) "Youth athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are twenty-one years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.

(CC) "Youth athletic park organization" means any organization, not organized for profit, that satisfies both of the following:

(1) It owns, operates, and maintains playing fields that satisfy both of the following:

(a) The playing fields are used at least one hundred days per year for athletic activities by one or more organizations, not organized for profit, each of which is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are eighteen years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.

(b) The playing fields are not used for any profit-making activity at any time during the year.

(2) It uses the proceeds of bingo it conducts exclusively for the operation, maintenance, and improvement of its playing fields of the type described in division (CC)(1) of this section.

(DD) "Amateur athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are training for amateur athletic competition that is sanctioned by a national governing body as defined in the "Amateur Sports Act of 1978," 90 Stat. 3045, 36 U.S.C.A. 373.

(EE) "Bingo supplies" means bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets; punch boards; seal cards; instant bingo ticket dispensers; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are "bingo supplies" are not gambling devices if sold or otherwise provided, and used, in accordance with this chapter. For purposes of this chapter, "bingo supplies" are not to be considered equipment used to conduct a bingo game.

(FF) "Instant bingo" means a form of bingo that uses folded or banded tickets or paper cards with perforated break-open tabs, a face of which is covered or otherwise hidden from view to conceal a number, letter, or symbol, or set of numbers, letters, or symbols, some of which have been designated in advance as prize winners. "Instant bingo" includes seal cards. "Instant bingo" does not include any device that is activated by the insertion of a coin, currency, token, or an equivalent, and that contains as one of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in winning or losing combinations.

(GG) "Seal card" means a form of instant bingo that uses instant bingo tickets in conjunction with a board or placard that contains one or more seals that, when removed or opened, reveal predesignated winning numbers, letters, or symbols.

(HH) "Raffle" means a form of bingo in which the one or more prizes are won by one or more persons who have purchased a raffle ticket. The one or more

winner of the raffle are determined by drawing a ticket stub or other detachable section from a receptacle containing ticket stubs or detachable sections corresponding to all tickets sold for the raffle.

(II) "Punch board" means a board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle when used in conjunction with instant bingo. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.

(JJ) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.

(KK) "Net profit" means gross profit minus expenses.

(LL) "Expenses" means the reasonable amount of gross profit actually expended for all of the following:

- (1) The purchase or lease of bingo supplies;
- (2) The annual license fee required under section 2915.08 of the Revised Code;
- (3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code;
- (4) Audits and accounting services;
- (5) Safes;
- (6) Cash registers;
- (7) Hiring security personnel;
- (8) Advertising bingo;
- (9) Renting premises in which to conduct a bingo session;
- (10) Tables and chairs;
- (11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;
- (12) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (B)(1) of section 2915.08 of the Revised Code.

(MM) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.

(NN) "Revoke" means to void permanently all rights and privileges of the

holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.

(OO) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.

(PP) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:

(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;

(2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.

(QQ) "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale.

(RR) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in division (S)(1) of this section plus the annual net profit derived from the conduct of bingo described in division (S)(2) of this section.

(SS) "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:

(1) It is activated upon the insertion of United States currency.

(2) It performs no gaming functions.

(3) It does not contain a video display monitor or generate noise.

(4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.

(5) It does not simulate or display rolling or spinning reels.

(6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.

(7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.

(8) It is not part of an electronic network and is not interactive.

(TT)(1) "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:

(a) It provides a means for a participant to input numbers and letters announced by a bingo caller.

(b) It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.

(c) It identifies a winning bingo pattern.

(2) "Electronic bingo aid" does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.

(UU) "Deal of instant bingo tickets" means a single game of instant bingo tickets all with the same serial number.

(VV)(1) "Slot" machine means either of the following:

(a) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player who gives the thing of value in the hope of gain, the outcome of which is determined largely or wholly by chance;

(b) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player to conduct or dispense bingo or a scheme or game of chance.

(2) "Slot machine" does not include a skill-based amusement machine.

(WW) "Net profit from the proceeds of the sale of instant bingo" means gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of instant bingo supplies.

(XX) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo organization" does not include a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization, or a sporting organization pursuant to section 2915.13 of the Revised Code.

(YY) "Game flare" means the board or placard that accompanies each deal of instant bingo tickets and that has printed on or affixed to it the following information for the game:

(1) The name of the game;

(2) The manufacturer's name or distinctive logo;

(3) The form number;

(4) The ticket count;

(5) The prize structure, including the number of winning instant bingo tickets by denomination and the respective winning symbol or number combinations for the winning instant bingo tickets;

- (6) The cost per play;
- (7) The serial number of the game.

(ZZ) "Historic railroad educational organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, that owns in fee simple the tracks and the right of way of a historic railroad that the organization restores or maintains and on which the organization provides excursions as part of a program to promote tourism and educate visitors regarding the role of railroad transportation in Ohio history, and that received as donations from a charitable organization that holds a license to conduct bingo under this chapter an amount equal to at least fifty per cent of that licensed charitable organization's net proceeds from the conduct of bingo during each of the five years preceding June 30, 2003. "Historic railroad" means all or a portion of the tracks and right-of-way of a railroad that was owned and operated by a for profit common carrier in this state at any time prior to January 1, 1950.

(AAA)(1) "Skill-based amusement machine" means a skill-based amusement device, such as a mechanical, electronic, video, or digital device, or machine, whether or not the skill-based amusement machine requires payment for use through a coin or bill validator or other payment of consideration or value to participate in the machine's offering or to activate the machine, provided that all of the following apply:

(a) The machine involves a task, game, play, contest, competition, or tournament in which the player actively participates in the task, game, play, contest, competition, or tournament.

(b) The outcome of an individual's play and participation is not determined largely or wholly by chance.

(c) The outcome of play during a game is not controlled by a person not actively participating in the game.

(2) All of the following apply to any machine that is operated as described in division (AAA)(1) of this section:

(a) As used in this section, "task," "game," and "play" mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single task, game, play, contest, competition, or tournament may be awarded prizes based on the results of play.

(b) Advance play for a single task, game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single non-contest, competition, or tournament play.

(c) To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and

ending date and is open to participants in competition for scoring and ranking results toward the awarding of prizes that are stated prior to the start of the contest, competition, or tournament.

(BBB) "Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.

(CCC) "Sporting organization" means a hunting, fishing, or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the Ohio League of sportsmen, and that has been in continuous existence in this state for a period of three years.

(DDD) "Community action agency" has the same meaning as in section 122.66 of the Revised Code.

**Sec. 2915.092.** (A)(1) Subject to division (A)(2) of this section, a charitable organization, a public school, a chartered nonpublic school, a community school, or a veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under subsection 501(a) and is described in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code may conduct a raffle to raise money for the organization or school and does not need a license to conduct bingo in order to conduct a raffle drawing that is not for profit.

(2) If a charitable organization that is described in division (A)(1) of this section, but that is not also described in subsection 501(c)(3) of the Internal Revenue Code, conducts a raffle, the charitable organization shall distribute at least fifty per cent of the net profit from the raffle to a charitable purpose described in division (Z) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

(B) Except as provided in division (A) or (B) of this section, no person shall conduct a raffle drawing that is for profit or a raffle drawing that is not for profit.

(C) Whoever violates division (B) of this section is guilty of illegal conduct of a raffle. Except as otherwise provided in this division, illegal conduct of a raffle is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (B) of this section, illegal conduct of a raffle is a felony of the fifth degree."

After line 685, insert:

**"Section \_\_\_\_.** The versions of sections 2915.01 and 2915.092 of the Revised Code presented in this act prevail over the versions of those sections presented in Sub. H.B. 325 of the 125th General Assembly."

In line 2 of the title, after "Code" insert "and to present the prevailing versions of sections 2915.01 and 2915.092 of the Revised Code"

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

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	Brinkman
Brown	Buehrer	Callender	Calvert
Carano	Carmichael	Chandler	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	Taylor	Trakas	Ujvagi
Wagner	Walcher	White	Widener
Widowfield	Willamowski	Wilson	Wolpert
Woodard	Yates	Young	Householder-96.

Representatives Cates and Webster voted in the negative-2.

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 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
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	Taylor	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Wilson	Wolpert	Woodard	Yates
Young			Householder-98.

The bill passed.

Representative Latta moved to amend the title as follows:

Add the names: "Chandler, Cirelli, Domenick, C. Evans, Fessler, Flowers, Gibbs, Gilb, Hughes, Kearns, Latta, McGregor, Miller, Olman, T. Patton, Perry, Reidelbach, Schaffer, Slaby, G. Smith, Walcher, Widener, Wilson, 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. 427** - Representatives Martin, Calvert, Hoops, C. Evans, D. Evans, Faber, Flowers, Hughes, T. Patton, Schmidt, Schneider, Trakas, Aslanides, Collier, Domenick, Gibbs, Gilb, Hagan, Oelslager, Reidelbach, Walcher. Senators Amstutz, Harris, Randy Gardner, Austria, Carey, Hottinger, Mumper, Schuler, Mallory, Schuring, Padgett, Armbruster, Jacobson, Nein, Robert Gardner, Fedor, DiDonato, Prentiss

To amend sections 109.42, 122.18, 122.65, 5709.40, 5709.42, 5709.62, 5709.63, 5709.631, 5709.632, 5709.73, 5709.74, 5709.77, 5709.78, and 5709.79 and to enact sections 122.95, 122.951, 122.952, 1333.32, 1333.33, 1333.34, 5709.91, 5709.911, 5709.912, 5709.913, and 5709.914 of the Revised Code and to amend Sections 38, 38.18, and 38.20 of Am. Sub. H.B. 95 of the 125th General Assembly and to repeal Section 2 of Sub. S.B. 186 of the 123rd General Assembly; to increase from 10 to 15 the number of years enterprise zones or urban jobs and enterprise zone agreements may exempt property from taxation, subject to school board approval; to authorize the Director of Development to grant money for the purpose of improving commercial and industrial areas within certain economically distressed counties; to create the Job Development Initiatives Fund and transfer up to \$25.8 million of unclaimed funds to it; to address priority, enforcement, reporting, and other issues concerning tax increment financing and related

programs; to broaden the definition of "brownfield" for purposes of the Clean Ohio Brownfield Revitalization Program; to establish a lien for a moldbuilder in the plastic or metal forming industries; to establish a minimum population requirement for a single county to be considered a local area under the workforce development system; to authorize the conveyance of state-owned real estate in Hamilton County to the Board of County Commissioners of Hamilton County; to modify the law authorizing payments to municipalities and counties that attract federal jobs; to prevent the repeal of the Employee Ownership Assistance Program that is to take effect December 31, 2004; to make appropriations; and to declare an emergency.

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

Attest:

Matthew T. Schuler,  
Clerk.

The Senate amendments to **Sub. H. B. No. 427**-Representative Martin, et al., were taken up for consideration.

**Sub. H. B. No. 427**-Representatives Martin, Calvert, Hoops, C. Evans, D. Evans, Faber, Flowers, Hughes, T. Patton, Schmidt, Schneider, Trakas, Aslanides, Collier, Domenick, Gibbs, Gilb, Hagan, Oelslager, Reidelbach, Walcher. -Senators Amstutz, Harris, Randy Gardner, Austria, Carey, Hottinger, Mumper, Schuler, Spada, Mallory, Schuring, Padgett, Armbruster, Jacobson, Nein, Robert Gardner, Fedor, DiDonato, Prentiss.

To amend sections 109.42, 122.18, 122.65, 5709.40, 5709.42, 5709.62, 5709.63, 5709.631, 5709.632, 5709.73, 5709.74, 5709.77, 5709.78, and 5709.79 and to enact sections 122.95, 122.951, 122.952, 1333.32, 1333.33, 1333.34, 5709.91, 5709.911, 5709.912, 5709.913, and 5709.914 of the Revised Code and to amend Sections 38, 38.18, and 38.20 of Am. Sub. H.B. 95 of the 125th General Assembly and to repeal Section 2 of Sub. S.B. 186 of the 123rd General Assembly; to increase from 10 to 15 the number of years enterprise zones or urban jobs and enterprise zone agreements may exempt property from taxation, subject to school board approval; to authorize the Director of Development to grant money for the purpose of improving commercial and industrial areas within certain economically distressed counties; to create the Job Development Initiatives Fund and transfer up to \$25.8 million of unclaimed funds to it; to address priority, enforcement, reporting, and other issues concerning tax increment financing and related programs; to broaden the definition of "brownfield" for purposes of the Clean Ohio Brownfield Revitalization Program; to establish a lien for a moldbuilder in the plastic or metal forming industries; to establish a minimum population requirement for a single county to be considered a local area under the workforce development system; to authorize the conveyance of state-owned

real estate in Hamilton County to the Board of County Commissioners of Hamilton County; to modify the law authorizing payments to municipalities and counties that attract federal jobs; to prevent the repeal of the Employee Ownership Assistance Program that is to take effect December 31, 2004; to make appropriations; and to declare an emergency.

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

The yeas and nays were taken and resulted - yeas 66, nays 32, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Brown
Calvert	Carano	Carmichael	Cates
Chandler	Clancy	Collier	Combs
Core	Daniels	DeWine	Domenick
Driehaus	Evans C.	Evans D.	Flowers
Gibbs	Gilb	Hagan	Hoops
Hughes	Husted	Kearns	Kilbane
Latta	Martin	McGregor	Niehaus
Oelslager	Olman	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Rausen	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Slaby
Smith G.	Stewart J.	Taylor	Trakas
Wagner	Walcher	White	Widener
Widowfield	Willamowski	Wilson	Wolpert
Yates			Householder-66.

Those who voted in the negative were: Representatives

Allen	Beatty	Bocchieri	Book
Brinkman	Buehrer	Callender	DeBose
DeGeeter	Distel	Faber	Fessler
Grendell	Hartnett	Harwood	Hollister
Jerse	Key	Koziura	Mason
Miller	Price	Redfern	Skindell
Smith S.	Stewart D.	Strahorn	Sykes
Ujvagi	Webster	Woodard	Young-32.

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

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

The yeas and nays were taken and resulted - yeas 72, nays 26, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Bocchieri
Book	Brown	Buehrer	Callender
Calvert	Carano	Carmichael	Chandler
Clancy	Collier	Combs	Core
Daniels	DeWine	Domenick	Driehaus
Evans C.	Evans D.	Faber	Flowers

Gibbs	Gilb	Grendell	Hagan
Hartnett	Hollister	Hoops	Hughes
Husted	Kearns	Kilbane	Latta
Martin	Niehaus	Oelslager	Olman
Patton S.	Patton T.	Perry	Peterson
Raga	Raussen	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seaver	Seitz	Setzer	Slaby
Smith G.	Stewart J.	Taylor	Trakas
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Wilson
Wolpert	Yates	Young	Householder-72.

Those who voted in the negative were: Representatives

Allen	Beatty	Brinkman	Cates
DeBose	DeGeeter	Distel	Fessler
Harwood	Jerse	Key	Koziura
Mason	McGregor	Miller	Otterman
Price	Redfern	Sferra	Skindell
Smith S.	Stewart D.	Strahorn	Sykes
Ujvagi			Woodard-26.

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. 215** - Representatives Schmidt, Schneider, White, Collier, Peterson, Hollister, Kearns, Wagner, Faber, Gibbs, DeWine, Flowers, Taylor, Setzer, Raga, Reidelbach, Wolpert, Webster, Aslanides, Raussen, Daniels, Carmichael, Blasdel, Koziura, D. Evans, T. Patton, Sferra, Seaver, Hughes, Barrett, G. Smith, Driehaus, Woodard, Olman, Book, Brown, Brinkman, Calvert, Cates, Chandler, Clancy, Combs, Core, DeGeeter, Distel, Domenick, C. Evans, Fessler, Gilb, Grendell, Hagan, Hartnett, Harwood, Hoops, Husted, Key, Kilbane, Martin, Mason, Niehaus, Oelslager, Otterman, S. Patton, Price, Reinhard, Schaffer, Schlichter, Seitz, Slaby, J. Stewart, Widowfield, Yates, Young. Senators Spada, Mumper, Armbruster, Amstutz, Austria, Blessing, Carey, Coughlin, DiDonato, Fedor, Fingerhut, Robert Gardner, Harris, Hottinger, Jacobson, Jordan, Mallory, Nein, Padgett, Roberts, Schuler, Schuring, Dann, Stivers, Wachtmann, Zurz, Randy Gardner

To amend section 2743.43, to enact sections 2317.43, 2323.421, 2323.45, and 3929.302, and to repeal section 2303.23 of the Revised Code to prohibit the use of a defendant's statement of sympathy as evidence in a medical liability action, establish qualifications for expert witnesses in medical liability actions, regulate the use of affidavits of noninvolvement in medical claims,

and regulate the collection and disclosure of medical claims data.

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. 215**-Representative Schmidt, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

**Sub. H. B. No. 215**-Representatives Schmidt, Schneider, White, Collier, Peterson, Hollister, Kearns, Wagner, Faber, Gibbs, DeWine, Flowers, Taylor, Setzer, Raga, Reidelbach, Wolpert, Webster, Aslanides, Raussen, Daniels, Carmichael, Blasdel, Koziura, D. Evans, T. Patton, Sferra, Seaver, Hughes, Barrett, G. Smith, Driehaus, Woodard, Olman, Book, Brown, Brinkman, Calvert, Cates, Chandler, Clancy, Combs, Core, DeGeeter, Distel, Domenick, C. Evans, Fessler, Gilb, Grendell, Hagan, Hartnett, Harwood, Hoops, Husted, Key, Kilbane, Martin, Mason, Niehaus, Oelslager, Otterman, S. Patton, Price, Reinhard, Schaffer, Schlichter, Seitz, Slaby, J. Stewart, Widowfield, Yates, Young. -Senators Spada, Mumper, Armbruster, Amstutz, Austria, Blessing, Carey, Coughlin, DiDonato, Fedor, Fingerhut, Robert Gardner, Harris, Hottinger, Jacobson, Jordan, Mallory, Nein, Padgett, Roberts, Schuler, Schuring, Dann, Stivers, Wachtmann, Zurz, Randy Gardner.

To amend section 2743.43, to enact sections 2317.43, 2323.421, 2323.45, and 3929.302, and to repeal section 2303.23 of the Revised Code to prohibit the use of a defendant's statement of sympathy as evidence in a medical liability action, establish qualifications for expert witnesses in medical liability actions, regulate the use of affidavits of noninvolvement in medical claims, and regulate the collection and disclosure of medical claims data.

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
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	Taylor	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Wilson	Wolpert	Woodard	Yates
Young			Householder-98.

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. 148** - Representatives Grendell, Wagner, Wolpert, Daniels, Collier, Walcher, Schlichter, Sferra, McGregor, C. Evans, Flowers, Allen, Aslanides, Buehrer, Calvert, Carano, Carmichael, Cates, Cirelli, Clancy, DeBose, Domenick, Fessler, Gibbs, Gilb, Hagan, Hartnett, Harwood, Hollister, Hughes, Jerse, Key, Latta, Martin, Miller, Niehaus, Olman, Otterman, T. Patton, Perry, Raga, Reidelbach, Schaffer, Schmidt, Seaver, Setzer, D. Stewart, Strahorn, Taylor, Trakas, Yates, Young. Senators Schuler, Dann, Roberts, Robert Gardner

To amend sections 303.02, 505.48, 505.50, 507.021, 507.03, 507.04 and 519.02 and to enact sections 303.161, 505.07, 505.482, 505.721, and 519.171 of the Revised Code to require that the township clerk personally attend certain meetings of the board of township trustees, to set minimum amounts for township clerk bonds, to permit certain boards of township trustees to request copies of township records, to authorize a township clerk to hire one or more assistants, to provide for the expansion by ballot measure of certain township police districts into township-wide police districts with authority to levy a tax for the newly created police districts, to authorize joint ambulance districts to establish reasonable user charges for their services that may vary among resident and nonresident users, to expand the purposes for which boards of county commissioners and township trustees may adopt zoning resolutions to include the purposes of the public's convenience, comfort, prosperity, and general welfare, to expand county and township zoning power to include landscaping standards and certain architectural standards in

residential zones, to authorize counties and townships to create architectural review boards to enforce those landscaping and architectural standards, and to authorize the settlement of township court actions by consent decrees or settlement agreements that may include specified agreements or approvals and that may be required to be the subject of specific public notice and opportunity for public objection.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested:

In line 18, after "sections" insert "303.02,"; delete "and"

In line 19, after "507.04" insert ", and 519.02"; after "sections" insert "303.161, 505.07,"; delete the second "and" and insert a comma; after "505.721" insert ", and 519.171"

Between lines 20 and 21, insert:

**"Sec. 303.02.** ~~For~~Except as otherwise provided in this section, in the purpose ~~interest of promoting the public health, safety, and morals~~convenience, comfort, prosperity, or general welfare, the board of county commissioners may, in accordance with a comprehensive plan, regulate by resolution the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas ~~which~~that may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures, including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of ~~such~~the county, and establish reasonable residential landscaping standards and residential architectural standards, excluding exterior building materials, for the unincorporated territory of the county and, for such ~~all these purposes, the board~~ may divide all or any part of the unincorporated territory of the county into districts or zones of such number, shape, and area as the board determines. All such regulations shall be uniform; for each class or kind of building or other structure or use; throughout any district or zone, but the regulations in one district or zone may differ from those in other districts or zones.

For any activities permitted and regulated under Chapter 1509., 1513., or 1514. of the Revised Code and any related processing activities, the board of county commissioners may regulate under the authority conferred by this section only in the interest of public health or safety.

**Sec. 303.161.** The board of county commissioners may create an architectural review board to enforce compliance with any zoning standards it may adopt pertaining to landscaping or architectural elements in areas zoned for residential use. The board of county commissioners shall adopt the standards and procedures for the architectural review board to use in reviewing zoning permit applications for compliance with those landscaping or architectural standards. If the board of county commissioners does not create an architectural review board,

it may delegate this enforcement authority to the zoning inspector or the zoning commission.

An architectural review board shall consist of no more than five residents of the county. At least one member shall be a licensed architect or engineer.

**Sec. 505.07.** Notwithstanding any contrary provision in another section of the Revised Code, section 519.12 of the Revised Code, or any vote of the electors on a petition for zoning referendum, a township may settle any court action by a consent decree or court approved settlement agreement which may include an agreement to rezone any property involved in the action as provided in the decree or court approved settlement agreement without following the procedures in section 519.12 of the Revised Code and also may include township approval of a development plan for any property involved in the action as provided in the decree or court approved settlement agreement, provided that the court makes specific findings of fact that notice has been properly made pursuant to this section, the plaintiff in the action has presented credible prima facie evidence in the form of an expert report from a planner, property economist, or real estate appraiser supporting the plaintiff's claim that the current zoning is invalid or unconstitutional, and the consent decree or court approved settlement agreement is fair and reasonable.

If the subject of the consent decree or court approved settlement agreement involves a zoning issue subject to referendum under section 519.12 of the Revised Code, the board of township trustees shall publish notice of their intent to meet and consider and take action on the decree or court approved settlement agreement and the date and time of the meeting in a newspaper of general circulation in the township at least fifteen days before the meeting. The board shall permit members of the public to express their objections to the consent decree or court approved settlement agreement at the meeting. Copies of the proposed consent decree or court approved settlement agreement shall be available to the public at the township clerk's office during normal business hours.

At least ten days prior to the submission of a proposed consent decree to the court for its review and consideration, the plaintiff in the action involving the consent decree shall publish a notice which shall include the case, case number, and court in which the decree will be filed, intention of the parties therein to file a consent decree in that case, and a description of the real property involved and the proposed change in zoning or permitted use, in a newspaper of general circulation in the township where that real property is located.

An elector in the township involving the property in litigation who circulated the petition for zoning referendum relating to the current zoning of the property has the right to intervene in a case in which the decree or court approved settlement agreement is pending solely for the purpose of challenging the sufficiency of the evidence submitted pursuant to this section and the adequacy of the notice given pursuant to this section. Any other members of the electorate may intervene only if permitted by the court pursuant to division (B) of Civil

Rule 24 and solely for the purpose of challenging the sufficiency of the evidence submitted pursuant to this section and the adequacy of the notice given pursuant to this section."

Between lines 281 and 282, insert:

"Sec. 519.02. For Except as otherwise provided in this section, in the purpose interest of promoting the public health, safety, and morals convenience, comfort, prosperity, or general welfare, the board of township trustees may, in accordance with a comprehensive plan, regulate by resolution the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas which that may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures, including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of such the township, and establish reasonable residential landscaping standards and residential architectural standards, excluding exterior building materials, for the unincorporated territory of the township; and, for such all these purposes, the board may divide all or any part of the unincorporated territory of the township into districts or zones of such number, shape, and area as the board determines. All such regulations shall be uniform for each class or kind of building or other structure or use throughout any district or zone, but the regulations in one district or zone may differ from those in other districts or zones.

For any activities permitted and regulated under Chapter 1509., 1513., or 1514. of the Revised Code and any related processing activities, the board of township trustees may regulate under the authority conferred by this section only in the interest of public health or safety.

Sec. 519.171. The board of township trustees may create an architectural review board to enforce compliance with any zoning standards it may adopt pertaining to landscaping or architectural elements in areas zoned for residential use. The board of township trustees shall adopt the standards and procedures for the architectural review board to use in reviewing zoning permit applications for compliance with those landscaping or architectural standards. If the board of township trustees does not create an architectural review board, it may delegate this enforcement authority to the zoning inspector or the zoning commission.

An architectural review board shall consist of no more than five residents of the unincorporated territory of the township. At least one member shall be a licensed architect or engineer; if a licensed architect or engineer does not reside in the unincorporated territory of the township, that member of the architectural review board may be a resident of the county."

In line 282, after "sections" insert "303.02,"

In line 283, delete "and"; after "507.04" insert ", and 519.02"

After line 283, insert:

**"Section 3.** It is not the intent of the General Assembly in amending sections 303.02 and 519.02 of the Revised Code in this act to confer any authority on a county or township to preempt state law, including any statute requiring a person to obtain a permit, by including the "general welfare" of the public as a purpose for which a board of county commissioners or board of township trustees may adopt zoning regulations.

**Section 4.** Nothing in this act allows or shall be construed to allow any county or township authority to establish a minimum price for a house or lot."

In line 1 of the title, after "sections" insert "303.02,"

In line 2 of the title, delete the first "and"; after "507.04" insert ", and 519.02"; after "sections" insert "303.161, 505.07,"; delete the third "and" and insert a comma

In line 3 of the title, after "505.721" insert ", and 519.171"

In line 14 of the title, delete "and"

In line 17 of the title, after "users" insert ", to expand the purposes for which boards of county commissioners and township trustees may adopt zoning resolutions to include the purposes of the public's convenience, comfort, prosperity, and general welfare, to expand county and township zoning power to include landscaping standards and certain architectural standards in residential zones, to authorize counties and townships to create architectural review boards to enforce those landscaping and architectural standards, and to authorize the settlement of township court actions by consent decrees or settlement agreements that may include specified agreements or approvals and that may be required to be the subject of specific public notice and opportunity for public objection"

In line 1 of the title, after "sections" insert "303.02,"

In line 2 of the title, delete the first "and"; after "507.04" insert ", and 519.02"; after "sections" insert "303.161, 505.07,"; delete the third "and" and insert a comma

In line 3 of the title, after "505.721" insert ", and 519.171"

In line 14 of the title, delete "and"

In line 17 of the title, after "users" insert ", to expand the purposes for which boards of county commissioners and township trustees may adopt zoning resolutions to include the purposes of the public's convenience, comfort, prosperity, and general welfare, to expand county and township zoning power to include landscaping standards and certain architectural standards in residential zones, to authorize counties and townships to create architectural review boards to enforce those landscaping and architectural standards, and to authorize the settlement of township court actions by consent decrees or settlement agreements that may include specified agreements or approvals and that may be required to be the subject of specific public notice and opportunity for public objection"

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. 148**-Representative Grendell, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

**Am. Sub. H. B. No. 148**-Representatives Grendell, Wagner, Wolpert, Daniels, Collier, Walcher, Schlichter, Sferra, McGregor, C. Evans, Flowers, Allen, Aslanides, Buehrer, Calvert, Carano, Carmichael, Cates, Cirelli, Clancy, DeBose, Domenick, Fessler, Gibbs, Gilb, Hagan, Hartnett, Harwood, Hollister, Hughes, Jerse, Key, Latta, Martin, Miller, Niehaus, Olman, Otterman, T. Patton, Perry, Raga, Reidelbach, Schaffer, Schmidt, Seaver, Setzer, D. Stewart, Strahorn, Taylor, Trakas, Yates, Young. -Senators Schuler, Dann, Roberts, Robert Gardner.

To amend sections 303.02, 505.48, 505.50, 507.021, 507.03, 507.04, and 519.02 and to enact sections 303.161, 505.07, 505.482, 505.721, and 519.171 of the Revised Code to require that the township clerk personally attend certain meetings of the board of township trustees, to set minimum amounts for township clerk bonds, to permit certain boards of township trustees to request copies of township records, to authorize a township clerk to hire one or more assistants, to provide for the expansion by ballot measure of certain township police districts into township-wide police districts with authority to levy a tax for the newly created police districts, to authorize joint ambulance districts to establish reasonable user charges for their services that may vary among resident and nonresident users, to expand the purposes for which boards of county commissioners and township trustees may adopt zoning resolutions to include the purposes of the public's convenience, comfort, prosperity, and general welfare, to expand county and township zoning power to include landscaping standards and certain architectural standards in residential zones, to authorize counties and townships to create architectural review boards to enforce those landscaping and architectural standards, and to authorize the settlement of township court actions by consent decrees or settlement agreements that may include specified agreements or approvals and that may be required to be the subject of specific public notice and opportunity for public objection.

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

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	Brinkman

Brown	Buehrer	Callender	Calvert
Carano	Carmichael	Cates	Chandler
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	Otterman	Patton S.
Patton T.	Perry	Peterson	Price
Raga	Raussen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	Skindell	Slaby	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Taylor	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Wilson	Wolpert
Woodard	Yates	Young	Householder-96.

Representative Daniels voted in the negative-1.

The Senate amendments were concurred in.

**Sub. H. B. No. 463**-Representatives Combs, Clancy, Young, Hollister, Collier, Flowers, Schneider, Schaffer, Wolpert, Hagan, Hughes, McGregor, Gibbs, Daniels, Walcher, Schmidt, Wilson, Jerse, Carano, Seaver, Harwood, Martin, Beatty, DeBose, S. Smith, Barrett.

To amend sections 3313.671 and 3701.13 and to enact section 3701.134 of the Revised Code to require students to be immunized against chicken pox subject to certain exceptions, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 70, nays 28, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brown
Carano	Carmichael	Chandler	Clancy
Collier	Combs	Daniels	DeBose
DeGeeter	DeWine	Distel	Driehaus
C. Evans	D. Evans	Flowers	Hagan
Hartnett	Harwood	Hollister	Hoops
Hughes	Jerse	Kearns	Key
Kilbane	Koziura	Latta	Martin
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	S. Patton
T. Patton	Perry	Peterson	Price
Redfern	Schlichter	Schneider	Seaver
Seitz	Sferra	Skindell	Slaby

S. Smith	D. Stewart	J. Stewart	Strahorn
Sykes	Ujvagi	Walcher	Webster
White	Widener	Wilson	Wolpert
Yates			Householder-70.

Those who voted in the negative were: Representatives

Brinkman	Buehrer	Callender	Calvert
Cates	Core	Domenick	Faber
Fessler	Gibbs	Gilb	Grendell
Husted	Raga	Rausen	Reidelbach
Reinhard	Schaffer	Schmidt	Setzer
G. Smith	Taylor	Trakas	Wagner
Widowfield	Willamowski	Woodard	Young-28.

The bill passed.

Representative Combs moved to amend the title as follows:

Add the names: Allen, C. Evans, Key, Mason, Miller, Otterman, S. Patton, Sferra, D. Stewart, Strahorn, Sykes.

Remove the names: Schaffer, Schmidt, Gibbs, Young.

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Representative Cates moved that the House and Constitutional Rules requiring bills to be considered by each house on three different days be suspended and that **Sub. S.J.R. No. 8** -Senators Blessing, Fingerhut, be brought up for immediate adoption, read by title only and spread upon the pages of the journal.

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

5-26-04

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. S. J. R. No. 8**-Senators Blessing, Fingerhut, because it might be construed that I have an interest in the legislation.

Sincerely yours,

/S/ JIM HUGHES  
JIM HUGHES

State Representative  
22nd House District

The request was granted.

The yeas and nays were taken and resulted - yeas 85, nays 11, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Brinkman
Brown	Buehrer	Callender	Calvert
Carano	Carmichael	Cates	Chandler
Clancy	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Domenick	Driehaus	C. Evans
D. Evans	Faber	Flowers	Gibbs
Gilb	Hagan	Hartnett	Harwood
Hollister	Hoops	Husted	Jerse
Kearns	Key	Kilbane	Latta
Martin	Mason	McGregor	Miller
Niehaus	Olman	Otterman	S. Patton
T. Patton	Perry	Peterson	Raga
Raussen	Redfern	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seaver	Seitz	Setzer	Sferra
Slaby	G. Smith	S. Smith	D. Stewart
J. Stewart	Strahorn	Taylor	Trakas
Ujvagi	Walcher	Webster	White
Widener	Widowfield	Willamowski	Wilson
Wolpert	Woodard	Yates	Young
			Householder-85.

Those who voted in the negative were: Representatives

Beatty	Bocchieri	Book	Fessler
Grendell	Koziura	Oelslager	Price
Skindell	Sykes		Wagner-11.

The motion was agreed to.

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

**Sub. S. J. R. No. 8-Senators Blessing, Fingerhut.**

Proposing to amend Section 6 of Article XV of the Constitution of the State of Ohio to require an agency of the state, if approval of the voters of the state is obtained, to conduct games that make immediate prize determinations for individual participants by electronic devices at no more than, and only at, seven licensed commercial horseracing tracks in counties where licensed commercial horseracing tracks operated during calendar year 2003 and to require that the entire net proceeds of the games be used solely for scholarships for Ohio residents who are students at institutions of higher education located in Ohio and for primary, secondary, vocational, and special

education school building construction.

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that there shall be submitted to the electors of the state in the manner prescribed by law at a special election to be held on March 2, 2004, a proposal to amend Section 6 of Article XV of the Constitution of the State of Ohio to read as follows:

#### ARTICLE XV

~~See 6.~~**Section 6.** Except as otherwise provided in this section, lotteries, and the sale of lottery tickets, for any purpose whatever, shall forever be prohibited in this ~~State~~state.

The General Assembly may authorize an agency of the state to conduct lotteries, to sell rights to participate therein, and to award prizes by chance to participants, provided that the entire net proceeds of any such lottery are paid into a fund of the state treasury that shall consist solely of such proceeds and shall be used solely for the support of elementary, secondary, vocational, and special education programs as determined in appropriations made by the General Assembly.

Upon the approval of a majority of the electors of the state voting at a special election on this amendment, an agency of the state shall conduct games that make immediate prize determinations for individual participants by electronic devices at no more than seven licensed commercial horseracing tracks in this state and only at such tracks. The agency shall only conduct the games in counties where licensed commercial horseracing tracks operated during calendar year 2003. The entire net proceeds of the games shall be used solely for scholarships for residents of this state who are students at institutions of higher education located in this state and for elementary, secondary, vocational, and special education school building construction.

The General Assembly may authorize and regulate the operation of bingo to be conducted by charitable organizations for charitable purposes.

#### EFFECTIVE DATE AND REPEAL

If adopted by a majority of the electors voting on this proposal, the amendment takes effect April 1, 2004, and existing Section 6 of Article XV of the Constitution of the State of Ohio is repealed from that effective date.

Representative Seitz moved to amend the title as follows:

Add the names: "Representatives Clancy, Schneider, Seitz."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

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

Representative Webster, moved the previous question. The motion under

House Rule 99 is supported by the following members:

TOM BRINKMAN  
KEVIN DEWINE  
GARY W. CATES

MICHELLE G. SCHNEIDER  
CHRIS WIDENER

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

The yeas and nays were taken and resulted - yeas 73, nays 24, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Brinkman	Callender	Carano
Carmichael	Cates	Chandler	Clancy
Collier	Combs	Core	Daniels
DeGeeter	DeWine	Distel	Domenick
Driehaus	C. Evans	D. Evans	Fessler
Flowers	Gibbs	Hartnett	Harwood
Hollister	Hoops	Husted	Jerse
Kearns	Kilbane	Koziura	Martin
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	T. Patton
Perry	Peterson	Price	Raga
Rausen	Redfern	Schmidt	Schneider
Seaver	Seitz	Setzer	Sferra
Slaby	G. Smith	D. Stewart	J. Stewart
Strahorn	Taylor	Trakas	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wilson	Wolpert	Yates
			Householder-73.

Those who voted in the negative were: Representatives

Boccieri	Book	Brown	Buehrer
Calvert	DeBose	Faber	Gilb
Grendell	Hagan	Key	Latta
S. Patton	Reidelbach	Reinhard	Schaffer
Schlichter	Skindell	S. Smith	Sykes
Ujvagi	Wagner	Woodard	Young-24.

The motion was agreed to and the debate closed.

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

Representative Seitz moved to amend as follows:

Delete lines 16 through 52 and insert:

"Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that there shall be submitted to the electors of the state in the manner prescribed by law at the general election to be held on November 2, 2004, a proposal to enact Section 6a of Article XV of the Constitution of the State of Ohio to read as follows:

**ARTICLE XV**

**Section 6a.** (A) Notwithstanding any provision of Section 6 of Article XV of this Constitution to the contrary, an agency of the state shall conduct games that make immediate prize determinations for individual participants by electronic devices at the seven licensed commercial horseracing tracks in this state on the effective date of this section and only at those tracks. The agency shall only conduct the games in counties where those licensed commercial horseracing tracks operated during calendar year 2004.

(B) Thirty per cent of the net proceeds of the games shall be paid into a custodial fund of the treasurer of state that consists solely of those moneys and shall be annually directly distributed by the agency of the state conducting the games, without appropriation by the General Assembly, to each school district or public school, as determined by the agency, based upon the number of children in attendance in the district or school. The distribution under division (B) of this section does not diminish the General Assembly's obligations imposed by this Constitution.

(C) The remaining net proceeds of the games shall be paid into a fund of the state treasury that consists solely of those moneys and shall be used as follows:

(1) Fifty per cent of the net proceeds of the games shall be used solely for scholarships for residents of this state who are students at institutions of higher education located in this state, as determined in appropriations made by the General Assembly.

(2) Twenty per cent of the net proceeds of the games shall be used solely for the support of early childhood education programs, as determined in appropriations made by the General Assembly.

(D) None of the moneys expended under divisions (B) and (C) of this section shall supplant or replace existing expenditures by the General Assembly for school programs, higher education scholarships, or early childhood education programs.

(E) The General Assembly shall pass laws within three months after the approval of this section to facilitate its operation.

**EFFECTIVE DATE**

If adopted by a majority of the electors voting on this proposal, the enactment takes effect January 1, 2005."

Delete lines 1 through 15 of the title and insert:

"Proposing to enact Section 6a of Article XV of the Constitution of the State of Ohio to require an agency of the state to conduct games that make immediate prize determinations for individual participants by electronic devices at the seven licensed commercial horseracing tracks in the counties where they

operated during calendar year 2004 and to require that the entire net proceeds of the games be used solely for the support of early childhood education programs, for elementary, secondary, vocational, and special education programs, and for higher education programs."

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

The yeas and nays were taken and resulted - yeas 58, nays 39, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Book	Brinkman	Callender	Carano
Carmichael	Cates	Chandler	Clancy
Collier	Combs	Daniels	DeWine
Distel	Driehaus	D. Evans	Faber
Flowers	Gibbs	Hartnett	Harwood
Hoops	Husted	Kearns	Kilbane
Martin	Miller	Niehaus	Olman
Otterman	S. Patton	T. Patton	Peterson
Raga	Rausen	Redfern	Reinhard
Schmidt	Schneider	Seaver	Seitz
Setzer	Sferra	G. Smith	D. Stewart
J. Stewart	Trakas	Walcher	Webster
Widener	Willamowski	Wilson	Wolpert
Yates			Householder-58.

Those who voted in the negative were: Representatives

Beatty	Bocchieri	Brown	Buehrer
Calvert	Core	DeBose	DeGeeter
Domenick	C. Evans	Fessler	Gilb
Grendell	Hagan	Hollister	Jerse
Key	Koziura	Latta	Mason
McGregor	Oelslager	Perry	Price
Reidelbach	Schaffer	Schlichter	Skindell
Slaby	S. Smith	Strahorn	Sykes
Taylor	Ujvagi	Wagner	White
Widowfield	Woodard		Young-39.

The motion was agreed to and the resolution so amended.

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

Representative Webster, moved the previous question. The motion under House Rule 99 is supported by the following members:

JOHN R. WILLAMOWSKI	NANCY P. HOLLISTER
TOM NIEHAUS	KEVIN DEWINE
MICHELLE G. SCHNEIDER	

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

The yeas and nays were taken and resulted - yeas 75, nays 19, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Book	Brinkman
Brown	Buehrer	Callender	Calvert
Carano	Carmichael	Cates	Chandler
Collier	Combs	Core	Daniels
DeGeeter	DeWine	Distel	Domenick
Driehaus	Evans C.	Evans D.	Faber
Fessler	Flowers	Gilb	Grendell
Hagan	Hartnett	Harwood	Hollister
Hoops	Jerse	Kearns	Key
Kilbane	Koziura	Latta	Martin
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	Perry
Price	Raga	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Seaver	Sferra	Smith G.	Stewart D.
Stewart J.	Strahorn	Taylor	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Wilson	Wolpert
Yates	Young		Householder-75.

Those who voted in the negative were: Representatives

Barrett	Beatty	Blasdel	Bocchieri
Clancy	DeBose	Gibbs	Husted
Patton T.	Peterson	Raussen	Schneider
Setzer	Skindell	Smith S.	Sykes
Trakas	Ujvagi		Woodard-19.

The motion was agreed to and the debate closed.

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

The yeas and nays were taken and resulted - yeas 57, nays 40, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Book	Brinkman	Callender	Carano
Carmichael	Cates	Chandler	Clancy
Collier	Combs	Daniels	Distel
Driehaus	Evans D.	Faber	Flowers
Gibbs	Hartnett	Harwood	Hollister
Hoops	Husted	Kearns	Kilbane
Martin	Miller	Niehaus	Olman
Otterman	Patton T.	Peterson	Raga
Raussen	Redfern	Reinhard	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	Smith G.	Stewart D.	Stewart J.
Trakas	Walcher	Webster	Widener
Willamowski	Wilson	Wolpert	Yates
			Householder-57.

Those who voted in the negative were: Representatives

Beatty	Bocchieri	Brown	Buehrer
--------	-----------	-------	---------

Calvert	Core	DeBose	DeGeeter
DeWine	Domenick	Evans C.	Fessler
Gilb	Grendell	Hagan	Jerse
Key	Koziura	Latta	Mason
McGregor	Oelslager	Patton S.	Perry
Price	Reidelbach	Schaffer	Schlichter
Skindell	Slaby	Smith S.	Strahorn
Sykes	Taylor	Ujvagi	Wagner
White	Widowfield	Woodard	Young-40.

The joint resolution was not adopted.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has adopted the following concurrent resolutions in which the concurrence of the House is requested:

**S. C. R. No. 26** - Senators Blessing, Schuler, Spada, Brady, Dann, Fedor, Fingerhut, Harris, Zurz, Prentiss, Padgett, DiDonato, Robert Gardner, Mallory

To memorialize the United States Congress to provide for a national entity to establish and enforce mandatory, national electric transmission reliability standards and to ensure federal oversight of that entity and federal authority to require transmission owner participation in a regional transmission organization.

**S. C. R. No. 32** - Senators Spada, Amstutz, Austria, Prentiss, Randy Gardner, Armbruster, Coughlin, DiDonato, Fedor, Fingerhut, Robert Gardner, Harris, Jordan, Mumper, Schuler, Wachtmann

To encourage the United States Congress to support and fully fund the National Aeronautics and Space Administration's Vision for Space Exploration Program.

Attest:

Matthew T. Schuler,  
Clerk.

Said concurrent resolutions were referred to the committee on Rules and Reference under the Rule.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has

concurrent in the House amendments to:

**Sub. S. B. No. 133** - Senator Wachtmann- et al.,

**Am. Sub. S. B. No. 164** - Senator Schuler- et al.,

**Sub. S. B. No. 187** - Senator Nein- et al.

Attest:

Matthew T. Schuler,  
Clerk.

#### MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 3333.373, the Speaker hereby makes the following change to the Ohio Retirement Study Council:

remove Representative Bocchieri, appoint Representative Book

#### MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on May 25, 2004, signed the following:

Sub. S.C.R. No. 24 -Senator Schuler - et al.,

Sub. S.B. No. 67 - Senator Mumper - et al.,

Am. Sub. S.B. No. 106 - Senator Carey - et al.,

Sub. H.B. No. 204 - Representative Wolpert - et al.,

Am. H.B. No. 219 - Representative Schlichter - et al.,

Am. Sub. H.B. No. 247 - Representative T. Patton - et al.,

Sub. H.B. No. 421 - Representative Schlichter - et al.,

Sub. H.B. No. 434 - Representative Calvert - et al.

On motion of Representative Cates, the House adjourned until Thursday, May 27, 2004 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.