

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, JUNE 4, 2003

SIXTIETH DAY

Hall of the House of Representatives, Columbus, Ohio
Wednesday, June 4, 2003 at 1:30 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Pandit Suresh Defhmukh of the Temple of Kreya Yoga in Powell, 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:

Abe Aslanides and supporters of the Cleisthenes Project.

Nathanael Jonhenry, a guest of Representative Peterson-2nd district.

Rashmi Yajnik and Varad Defhmukh, guests of Representative Wolpert-23rd district and Representative Peterson-2nd district.

Morgan Strahorn, daughter, Representative Strahorn-40th district.

Nancy Martin and Fabio Naia, guests of Representative Hartnett-73rd district.

The Golden Steppers, guests of Representative Hoops-75th district.

Rose Ann Allen, a guest of Representative Redfern-80th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 209-Representative Aslanides.

To authorize the conveyance to the Board of County Commissioners of Muskingum County of all of the state's right, title, and interest in certain real estate located in that county, that was originally conveyed to the Board of County Commissioners under Am. S.B. 136 of the 113th General Assembly and that may have reverted back to the state during the intervening years.

H. B. No. 210-Representatives Barrett, Allen, DeBose, Price.

To enact section 4511.204 of the Revised Code to prohibit any person from operating certain vehicles while engaged in any activity that impairs the ability of the person to control fully the vehicle, to prohibit any person from operating a moving vehicle and simultaneously using a mobile telephone that is not capable of being operated in a hands-free manner other than to report an emergency, to prohibit without exception any person with a temporary instruction permit from operating a moving vehicle and simultaneously using a mobile telephone, and to require the State Highway Patrol to compile

monthly data and statistics on motor vehicle accidents in which mobile telephone use was a material factor.

H. B. No. 211-Representatives Trakas, McGregor, DePiero, Reidelbach, Miller, Ujvagi, Strahorn.

To amend section 145.01 and 145.33 of the Revised Code to include metropolitan housing authority police officers in the law enforcement division of the Public Employees Retirement System.

H. B. No. 212-Representatives Seitz, McGregor, Setzer, Cates, C. Evans, Wagner, Schmidt, Gilb, Husted, Williams, Blasdel, Wolpert, Schneider, Faber, Driehaus, Webster, Gibbs, Reidelbach, Raussen, Collier, G. Smith.

To amend section 1343.03 and to enact section 2323.57 of the Revised Code to change the rate of interest on money due under certain contracts and on judgments, to change the computation of the period for which prejudgment interest is due in certain civil actions, to preclude prejudgment interest on future damages, and to require that the finder of fact in certain tort actions in which future damages are claimed specify the amount of past and future damages awarded.

H. B. No. 213-Representatives Willamowski, Oelslager, Miller, Walcher, McGregor, Clancy, Schaffer, Ujvagi, Redfern, Skindell, D. Evans, Faber, Distel, Williams, Grendell, Martin, Hughes, Kearns, Seaver, DePiero.

To amend section 5747.01 of the Revised Code to exempt from the personal income tax up to \$10,000 in state and federal government and military retirement benefits.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Woodard submitted the following report:

The standing committee on Insurance to which was referred **H. B. No. 138**-Representative G. Smith, having had the same under consideration, reports back as a substitute bill and recommends its passage.

RE: HEALTH CARE ALLIANCES

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

Add the names: "Olman, Sferra, Brown, Gibbs, Driehaus, D. Evans, Setzer, Wolpert, Barrett, Koziura, Fessler."

GEOFFREY C. SMITH
 KEITH L. FABER
 CHARLES R. BLASDEL
 JIM RAUSSEN
 JOSEPH KOZIURA
 LARRY L. WOLPERT
 ARLENE J. SETZER
 DAVID R. EVANS
 BOB GIBBS
 STEVE L. DRIEHAUS
 JOHN J. WHITE

EDNA BROWN
 CATHERINE L. BARRETT
 TODD BOOK
 JIM HUGHES
 DIANA M. FESSLER
 CLAUDETTE J. WOODARD
 DERRICK SEAVER
 LYNN E. OLMAN
 THOMAS F. PATTON
 DAVID DANIELS
 DANIEL J. SFERRA

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. 12**-Representative Grendell, having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: PLEDGE OF ALLEGIANCE - AFFIRM CONSTITUTIONAL

Representative Carmichael moved to amend the title as follows:

Add the names: "Trakas, Peterson, Buehrer, Clancy, Flowers, Reinhard, Carmichael, Hughes."

Representative Hughes moved to amend as follows:

In line 10, delete " Newdon " and insert " Newdow ".

In line 11, after " Bush " insert " , President of the United States ".

In line 12, delete the underlined comma and insert an underlined semicolon; after " Gordon " insert an underlined comma; after " Superintendent " insert " EGUSD ".

In line 13, delete the underlined comma and insert an underlined semicolon; after " Sweeney " insert an underlined comma; after " Superintendent " insert " SCUSD ".

The motion was agreed to.

JIM HUGHES
 JAMES PETER TRAKAS
 STEVE REINHARD
 PATRICIA M. CLANCY
 JOHN A. BOCCIERI
 JIM CARMICHAEL

JON M. PETERSON
 STEPHEN BUEHRER
 LARRY L. FLOWERS
 DAN STEWART
 ANNIE L. KEY

The report was agreed to.

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

Representative Book submitted the following report:

The standing committee on Civil and Commercial Law to which was referred **Am. H. B. No. 179**-Representative Wolpert, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: GASOLINE THEFT - SUSPEND DRIVER'S LICENSE

Representative Seitz moved to amend the title as follows:

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

Representative Seitz moved to amend as follows:

In line 69, after "container" insert "and if, within six years of that violation, the offender has been convicted of or pleaded guilty to theft by committing a violation of that type".

In line 70, delete "shall" and insert "may".

In line 2, of the title, delete "require" and insert "permit"; delete "license of a".

In line 3 of the title, delete "person who causes" and insert "licenses of certain repeat offender of theft by causing".

In line 6 of the title, delete "vehicles's" and insert "vehicle's".

The motion was agreed to.

WILLIAM J. SEITZ
JOHN SCHLICHTER
TONY CORE
TODD BOOK
JOYCE BEATTY

SANDRA STABILE HARWOOD
JOHN R. WILLAMOWSKI
TIMOTHY J. GRENDSELL
LANCE T. MASON
ROBERT E. LATTA

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 Bill be considered for the second time and referred to the following committees for consideration:

H. B. No. 203 - Representative White.

TO REQUIRE THE DIRECTOR OF ENVIRONMENTAL PROTECTION TO ESTABLISH A TWO-YEAR STUDY PROJECT TO ASSESS THE IMPACTS, IF ANY, THAT ANIMAL FEEDING FACILITIES AND THE LAND APPLICATION OF MANURE FROM THOSE FACILITIES HAVE

ON SURFACE WATER QUALITY IN THIS STATE

To the committee on Agriculture and Natural Resources.

H. B. No. 204 - Representative Wolpert, et al.

TO PROVIDE FOR THE USE OF ELECTRONIC RECORDS AND SIGNATURES BY COUNTY OFFICES IF SPECIFIED SECURITY PROCEDURES ARE ADOPTED, TO REQUIRE THE AUDITOR OF STATE TO AUDIT ELECTRONIC RECORD SECURITY PROCEDURES ADOPTED BY COUNTY OFFICES, AND TO CREATE A SINGLE DEFINITION OF THE "INTERNET" TO BE USED THROUGHOUT THE REVISED CODE

To the committee on County and Township Government.

H. B. No. 205 - Representative Fessler, et al.

TO REQUIRE ONE UNIT OF AMERICAN HISTORY AND GOVERNMENT AND TWO UNITS OF SOCIAL STUDIES FOR GRADUATION FROM HIGH SCHOOL AND TO REQUIRE THE STUDY OF SPECIFIED HISTORICAL DOCUMENTS BE INCLUDED IN THE HIGH SCHOOL AMERICAN HISTORY CURRICULUM

To the committee on Education.

Am. Sub. S. B. No. 51 - Senator Blessing, et al.

TO MAKE CHANGES TO THE STATE DENTAL BOARD, TO ESTABLISH THE DENTIST LOAN REPAYMENT PROGRAM, TO MAKE OTHER CHANGES TO THE LAWS GOVERNING DENTISTS, DENTAL HYGIENISTS, AND DENTAL ASSISTANTS, AND TO AMEND THE VERSION OF SECTION 2305.234 OF THE REVISED CODE THAT IS SCHEDULED TO TAKE EFFECT JANUARY 1, 2004, TO CONTINUE THE PROVISIONS OF THIS ACT ON AND AFTER THAT EFFECTIVE DATE

To the committee on Health.

LARRY HOUSEHOLDER
GARY W. CATES
STEPHEN BUEHRER
CHARLES CALVERT
JIM CARMICHAEL
PATRICIA M. CLANCY
DIANA M. FESSLER
JIM HUGHES
THOMAS F. PATTON
JON M. PETERSON

JOHN SCHLICHTER
JAMES PETER TRAKAS
CHRIS REDFERN
DIXIE J. ALLEN
JOYCE BEATTY
KENNETH A. CARANO
STEVE L. DRIEHAUS
ROBERT J. OTTERMAN
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 the House Bills and Senate Bill contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

Representative Trakas moved that majority party members asking leave to be absent or absent the week of Tuesday, June 3, 2003, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Miller moved that minority party members asking leave to be absent or absent the week of Tuesday, June 3, 2003, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

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

H. R. No. 86 - Speaker Householder et al.
IN MEMORY OF GORDON M. SCHERER

The motion was agreed to.

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

H. R. No. 86-Speaker Householder, Representatives Redfern, Allen, Aslanides, Barrett, Beatty, Blasdel, Boccieri, Book, Brinkman, Brown, Buehrer, Callender, Calvert, Carano, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Core, Daniels, DeBose, DePiero, DeWine, Distel, Domenick, Driehaus, C. Evans, D. Evans, Faber, Fessler, Flowers, Gibbs, Gilb, Grendell, Hagan, Hartnett, Harwood, Hollister, Hoops, Hughes, Husted, Jerse, Jolivette, Kearns, Key, Kilbane, Koziura, Latta, Martin, Mason, McGregor, Miller, Niehaus, Oelslager, Olman, Otterman, S. Patton, T. Patton, Perry, Peterson, Price, Raga, Raussen, Reidelbach, Reinhard, Schaffer, Schlichter, Schmidt, Schneider, Seaver, Seitz, Setzer, Strahorn, Skindell, G. Smith, S. Smith, D. Stewart, J. Stewart, Walcher, Webster, White, Widener, Widowfield, Willamowski, Williams, Wilson, Wolpert, Woodard, Yates, Young.

In memory of Gordon M. Scherer.

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

WHEREAS, Gordon Scherer left an indelible impression on the people whose lives he touched, and he will be remembered as a spirited individual who contributed immeasurably to the world around him. Serving four terms in

the Ohio House of Representatives from 1965 to 1972, he later established Gordon Scherer & Associates, lobbying for such clients as the City of Cincinnati, the Cincinnati Bengals and Reds, Kings Island, the Shell Oil Company, and the Ohio Cable Television Association, and he was instrumental in the passage of the city's half-cent sales tax to fund new stadiums for the Bengals and Reds; and

WHEREAS, Gordon Scherer's regard for improving the quality of life in our society was clearly evident in his personal sacrifices of time and effort to family, friends, and community. Giving generously of his energy and abilities in all of his endeavors, he displayed exceptional concern and insight, and his absence will be keenly felt; and

WHEREAS, A loving husband to his wife, Judith, a devoted father to his son, Gordy, and the proud grandfather of two grandchildren, Gordon Scherer always used his talents to the benefit of others, and the laurels of his life stand as a tribute not only to him, but also to those he left behind. Although the void which his death has created can never be filled, the legacy of care and commitment which he established will surely live on. The world is a richer place for his having been in it, and he will be sorely missed; therefore be it

RESOLVED, That we, the members of the House of Representatives of the 125th General Assembly of Ohio, in adopting this Resolution, wish to express a profound sense of loss and sincere regret at the death of Gordon M. Scherer and, in so doing, pay tribute to the memory of a truly unique individual; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit a duly authenticated copy of this Resolution to the family of Gordon M. Scherer.

The resolution was adopted.

BILLS FOR THIRD CONSIDERATION

H. B. No. 159-Representatives Hagan, Oelslager, Seitz, Schaffer, J. Stewart, Callender, Latta, Young, Cirelli, Willamowski, Grendell, DePiero.

To amend section 2501.011 of the Revised Code to add one additional judge for the Fifth District Court of Appeals, 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 1, 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	Core
Daniels	DeBose	DePiero	DeWine
Distel	Domenick	Driehaus	Evans C.
Evans D.	Faber	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Hartnett	Harwood	Hoops	Householder
Hughes	Husted	Jerse	Jolivette
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
Smith G.	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Taylor	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wilson	Wolpert	Woodard
Yates			Young-98.

Representative Hollister voted in the negative-1.

The bill passed.

Representative Hagan moved to amend the title as follows:

Add the names: "Bocchieri, Carmichael, Domenick, Fessler, Harwood, Hughes, McGregor, T. Patton."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 173-Representative Oelslager.

To amend sections 2329.66, 3334.01, 3334.02, 3334.03, 3334.06, 3334.07, 3334.08, 3334.09, 3334.10, 3334.11, 3334.12, 3334.15, 3334.16, 3334.17, 3334.18, 3334.19, 3334.20, 5111.015, 5115.061, 5747.01, and 5747.70 of the Revised Code to modify the Ohio Tuition Trust Authority Law with respect to the administration of the CollegeAdvantage savings plan, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Oelslager moved to amend as follows:

In line 340, delete "propriety school registration" and insert "career colleges and schools".

In line 2068, delete "propriety school registration" and insert "career colleges and schools".

After line 2311, insert:

" **Section 3.** Section 5747.01 of the Revised Code is presented in this act as

a composite of the section as amended by both H. B. 675 and Am. Sub. S. B. 266 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."

The motion was agreed to and the bill so amended.

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

Representative Kilbane moved to amend as follows:

In line 437, delete " but not be ".

In line 438, delete " limited to ".

In line 457, delete the second comma and insert " and ".

In line 458, after " program " delete the balance of the line.

Delete line 459.

In line 460, delete everything before " shall ".

In line 696, after " used " delete the balance line.

Delete lines 697 through 700.

In line 701, delete everything before the semicolon.

In line 714, after "(23)" delete the balance of the line.

Delete lines 715 through 719.

In line 720, delete " (24) ".

In line 723, after "(B)" delete the balance of the line.

Delete lines 724 and 725.

In line 726, delete " (C) ".

In line 731, reinsert everything after "thereunder".

Reinsert line 732.

In line 733, reinsert "rollover of account assets to other programs" and delete the balance of the line.

Delete lines 734 and 735.

In line 736, delete everything before the period.

In line 737, reinsert "(C)" and delete " (D) ".

In line 832, after " may " insert " terminate the participation agreement ".

In line 833, strike through "after" and insert " but not before ".

In line 837, strike through "terminate the"; delete " participation agreement

"; strike through "and".

In line 838, strike through "retain the amounts payable under the"; delete "participation".

In line 839, delete "agreement" and insert "including by mailing notice to such persons by certified mail, return receipt requested, to the last known address of the person. If the authority fails to locate any of the persons after making that effort, any amount payable under the agreement shall be considered as unclaimed funds under Chapter 169, of the Revised Code, and authority shall report that amount as required under section 169.03 of the Revised Code and shall transfer that amount to the unclaimed funds trusts fund in accordance with section 169.05 of the Revised Code".

In line 891, after the period insert "However, the amount of the refund shall not be less than the principle amount of the account plus interest at the federal short term rate as defined in section 5703.47 of the Revised Code compounded annually from the date the account was terminated."

In line 913, after the period insert "However, the amount of the rollover shall not be less than the principle amount of the account plus interest at the federal short tem rate as defined in section 5703.47 of the Revised Code compounded annually from the date the account was opened to the rollover date."

In line 1408, delete ";"

Delete line 1409.

In line 1410, delete everything before the period.

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

Representative Oelslager moved that **H. B. No. 173**-Representative Oelslager, be rereferred to the committee on Finance and Appropriations.

The motion was agreed to.

Sub. S. B. No. 5-Senators Jacobson, Amstutz, Austria, Coughlin, Randy Gardner, Goodman, Harris, Hottinger, Spada, Stivers, Herington, Dann, Fedor, Blessing, Carnes, Fingerhut, Jordan, Mumper, Roberts, Schuler, Schuring, Carey, Miller, Armbruster, Nein, Robert Gardner. -Representatives Latta, Callender, Oelslager, DePiero, Faber, D. Evans, Grendell, Gilb, Willamowski, Seitz, Mason.

To amend sections 109.42, 109.57, 325.32, 1923.01, 1923.02, 1923.051, 2152.02, 2152.19, 2152.191, 2152.82, 2152.83, 2152.84, 2152.85, 2743.191, 2743.69, 2901.07, 2907.07, 2919.24, 2929.01, 2929.13, 2929.19, 2929.21, 2935.36, 2950.01, 2950.02, 2950.03, 2950.04, 2950.05, 2950.06, 2950.07, 2950.08, 2950.081, 2950.09, 2950.10, 2950.11, 2950.12, 2950.13, 2950.14, 2950.99, 2971.01, 3319.20, 3319.31, 5139.13, 5321.01, and 5321.03 and to enact sections 311.171, 2152.811, 2152.851, 2950.021, 2950.022, 2950.031, 2950.041, 2950.091, 2950.111, and 5321.051 of the Revised Code to modify

the Sex Offender Registration and Notification Law by adopting most of the recommendations of the Governor's Sex Offender Registration and Notification Task Force, generally conforming the Law to federal guidelines, renaming as "child-victim oriented offenses" certain crimes against children not committed with a sexual motivation that currently subject offenders and delinquent children to the Law, exempting certain sexually oriented offenses committed by a first-time offender delinquent child against a person 18 years of age or older from the registration and related duties under the Law unless a judge removes the exemption, providing a penalty for failing to send a notice of intent to reside, clarifying that habitual sex offenders or habitual child-victim offenders in another jurisdiction are habitual sex offenders or habitual child-victim offenders under Ohio law, clarifying the Law's community notification provisions as applied to multi-unit buildings, specifying that convictions in courts of foreign nations are sexually oriented offenses or child-victim oriented offenses under the Law, prohibiting an offender who is subject to the Law from establishing a residence within 1,000 feet of any school premises, permitting landlords to evict such an offender from residential premises located within 1,000 feet of school premises, permitting a sheriff to charge a fee to register, register a change of residence address of, or verify a residence address of an adult offender who is required to register under the Law, and making other changes in that Law; to expand the victim and community notification provisions of the Law and to specifically authorize specified use of the Internet for those provisions; to establish the Sex Offender Technology Fund for a sex offender and child-victim offender tracking program established by the Attorney General; to authorize use of the Internet for the tracking program; to expand the information included in a registration or residence address verification form under the Law; to modify the deadline imposed for address verification under that Law; to authorize a sheriff who uses the Internet for the victim and community notification provisions of the Law to receive funds from the Sex Offender Technology Fund; to eliminate from the offense of "importuning" a prohibition that the Supreme Court found to be unconstitutional; to expand the purposes for which payments may be made from the Reparations Fund; to amend the versions of sections 109.42, 2152.02, 2152.19, 2743.191, 2929.01, 2929.13, 2929.19, 2929.23, 2950.01, 2950.99, and 5321.01 of the Revised Code that are scheduled to take effect on January 1, 2004, to continue the provisions of this act on and after that effective date; and to declare an emergency, was taken up for consideration the third time.

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

Representative Cates moved that **Sub. S. B. No. 5**-Senator Jacobson, et al. , be informally passed and retain its place on the calendar.

The motion was agreed to.

Sub. S. B. No. 47-Senators Stivers, Coughlin, Schuler, Mumper, Dann, Carey, Jacobson, Goodman, Carnes, Schuring, Jordan, Herington,

Wachtmann, Fedor, Fingerhut, Harris, Nein, Armbruster, Amstutz, Spada, Miller, White, Randy Gardner, Austria, Robert Gardner. -Representatives Kilbane, Blasdel, Carano, Collier, Core, Gilb, Hartnett, Jerse, Latta, McGregor, Niehaus, Raussen, Schaffer, Skindell, Sykes, Taylor, Ujvagi, Yates.

To amend section 5741.02 and to enact sections 323.122 and 3319.284 of the Revised Code and to amend Sections 1.09 and 35.03 of H.B. 675 of the 124th General Assembly and to amend Section 3 of Am. Sub. S.B. 143 of the 124th General Assembly to extend the time within which members of the National Guard and reserve components of the Armed Forces of the United States who have been called to active duty must pay real property and manufactured home taxes, to provide for extension of educator licenses for active duty members, to delay the effective date of certain sales tax law changes, to exempt leased computer equipment and related software from use taxation if it is held temporarily in Ohio by a third party, to amend the version of section 5741.02 of the Revised Code that is scheduled to take effect July 1, 2003, to continue the amendment to that section by this act on and after that date, and to declare an emergency, was taken up for consideration the third time.

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

June 4, 2003

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. B. No. 47**, 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 97, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Book	Brown	Buehrer
Callender	Calvert	Carano	Carmichael
Cates	Chandler	Cirelli	Clancy
Collier	Core	Daniels	DeBose
DePiero	DeWine	Distel	Domenick
Driehaus	C. Evans	D. Evans	Faber
Fessler	Flowers	Gibbs	Gilb
Grendell	Hagan	Hartnett	Harwood
Hollister	Hoops	Hughes	Husted
Jerse	Jolivette	Kearns	Key
Kilbane	Koziura	Latta	Martin
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	S. Patton
T. Patton	Perry	Peterson	Price
Raga	Rausen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	Skindell	G. Smith	S. Smith
D. Stewart	J. Stewart	Strahorn	Sykes
Taylor	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wilson
Wolpert	Woodard	Yates	Young
			Householder-97.

Representative Brinkman voted in the negative-1.

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

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

The yeas and nays were taken and resulted - yeas 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	Core	Daniels
DeBose	DePiero	DeWine	Distel
Domenick	Driehaus	C. Evans	D. Evans
Faber	Fessler	Flowers	Gibbs
Gilb	Grendell	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Husted	Jerse	Jolivette	Kearns
Key	Kilbane	Koziura	Latta
Martin	Mason	McGregor	Miller
Niehaus	Oelslager	Olman	Otterman
S. Patton	T. Patton	Perry	Peterson
Price	Raga	Rausen	Redfern
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seaver	Seitz
Setzer	Sferra	Skindell	G. Smith
S. Smith	D. Stewart	J. Stewart	Strahorn

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

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

Representative Kilbane moved to amend the title as follows:

Add the names: "Allen, Aslanides, Barrett, Beatty, Book, Brown, Buehrer, Callender, Calvert, Carmichael, Cates, Chandler, Cirelli, Clancy, Daniels, DeBose, DePiero, Distel, Domenick, Driehaus, C. Evans, D. Evans, Faber, Flowers, Gibbs, Hagan, Harwood, Hoops, Hughes, Husted, Jolivette, Kearns, Key, Koziura, Martin, Mason, Miller, Oelslager, Olman, Otterman, S. Patton, T. Patton, Perry, Peterson, Price, Redfern, Reidelbach, Schlichter, Schneider, Seaver, Seitz, Setzer, Sferra, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Trakas, Wagner, Walcher, White, Widener, Widowfield, Willamowski, Williams, Wilson, Wolpert, Woodard."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 3379.02, the Speaker hereby makes the following change to the Ohio Arts Council:

Remove Representative Sykes, appoint Representative Ujvagi

On motion of Representative Cates, the House adjourned until Friday, June 6, 2003 at 2:00 o'clock p.m.

Attest:

LAURA P. CLEMENS,
Clerk.