

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, JUNE 18, 2003

SIXTY-SIXTH DAY

Hall of the House of Representatives, Columbus, Ohio
Wednesday, June 18, 2003 at 1:30 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Major John Fox of the Salvation Army in 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:

Ashley Dennison and Brittany Davis received House Resolutions 97 & 98 respectively, presented by Representative Widener-84th district.

Gina Piacentino, a guest of Representative Wolpert-23rd district.

Members of the Darke County Chamber of Commerce Teen Leadership, guests of Representative Fessler-79th district and Representative Faber-77th district.

Major Elizabeth Fox, a guest of Representative Book-89th district.

Gary Coberly, Curt Bradon, and Craig Bonar, guests of Representative Grendell-98th district.

INTRODUCTION OF BILLS

The following bill was introduced:

H. B. No. 226-Representative J. Stewart.

To amend section 125.13 of the Revised Code to allow a state agency to transfer surplus computers to county boards of mental retardation and developmental disabilities.

Said bill was considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Cirelli submitted the following report:

The standing committee on Health to which was referred **H. B. No. 67**-Representative Faber, et al., having had the same under consideration, reports it back and recommends its passage.

RE: JT TWP HOSPITAL DIST BD -CREDIT LINE - NO LIMIT

Representative Jolivette moved to amend the title as follows:

Add the names: "Kearns, Reidelbach, Jolivette."

GREGORY JOLIVETTE
 JAMES M. HOOPS
 NANCY P. HOLLISTER
 GEOFFREY C. SMITH
 CHARLES R. BLASDEL
 DIANA M. FESSLER
 MICHAEL DEBOSE
 CATHERINE L. BARRETT

SHIRLEY A. SMITH
 MERLE GRACE KEARNS
 SANDRA STABILE HARWOOD
 LINDA REIDELBACH
 LYNN E. OLMAN
 MARY M. CIRELLI
 TYRONE K. YATES

The report was agreed to.

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

Representative Cirelli submitted the following report:

The standing committee on Health to which was referred **H. B. No. 126**-Representative Brinkman, et al., having had the same under consideration, reports it back and recommends its passage.

RE: RU - 486 ABORTIFACIENT

Representative Jolivette moved to amend the title as follows:

Add the names: "Kearns, Hoops, Jolivette."

JAMES M. HOOPS	LYNN E. OLMAN
NANCY P. HOLLISTER	LINDA REIDELBACH
GEOFFREY C. SMITH	DIANA M. FESSLER
CHARLES R. BLASDEL	MICHAEL DEBOSE
SHIRLEY A. SMITH	MARY M. CIRELLI
MERLE GRACE KEARNS	TYRONE K. YATES
SANDRA STABILE HARWOOD	GREGORY JOLIVETTE

The following member voted "NO"

CATHERINE L. BARRETT

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

RE: CHILD DAY-CARE-MODIFY MISREPRESENTATION LAWS

Representative Jolivette moved to amend the title as follows:

Add the names: "Yates, G. Smith, Cirelli, Fessler, Hollister, DeBose, Reidelbach, Barrett, Harwood, Schneider, Blasdel, Hoops, Taylor, White."

BRYAN C. WILLIAMS
 TYRONE K. YATES
 GEOFFREY C. SMITH
 MARY M. CIRELLI
 CATHERINE L. BARRETT
 MICHAEL DEBOSE
 DIANA M. FESSLER
 EDWARD JERSE
 LINDA REIDELBACH
 MERLE GRACE KEARNS

SANDRA STABILE HARWOOD
 LYNN E. OLMAN
 MICHELLE G. SCHNEIDER
 SHIRLEY A. SMITH
 CHARLES R. BLASDEL
 JAMES M. HOOPS
 GREGORY JOLIVETTE
 JOHN J. WHITE
 MARY TAYLOR
 NANCY P. HOLLISTER

The report was agreed to.

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

Representative Mason submitted the following report:

The standing committee on Criminal Justice to which was referred **Sub. S. B. No. 11**-Senator Goodman, et al., having had the same under consideration, reports it back and recommends its passage.

RE: DNA TESTING-FELONY/DEATH ROW INMATES

Representative Latta moved to amend the title as follows:

Add the names: "Latta, Seitz, Brown, Willamowski, Gilb, Collier."

ROBERT E. LATTA
 W. SCOTT OELSLAGER
 DEAN E. DEPIERO
 WILLIAM J. SEITZ
 EDNA BROWN
 ANNIE L. KEY
 KEITH L. FABER
 JOHN R. WILLAMOWSKI

MIKE GILB
 TYRONE K. YATES
 THOM COLLIER
 LANCE T. MASON
 CLYDE EVANS
 JAMIE CALLENDER
 TIMOTHY J. GRENDSELL

The following member voted "NO"

SHIRLEY A. SMITH

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

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

H.R. No. 91 - Speaker Householder, Representatives Blasdel, Boccieri,

Schmidt, Schlichter, Daniels, C. Evans, Niehaus, Book, Stewart, Hollister, Aslanides, Domenick, Wilson, Gibbs

HONORING THE OHIO APPALACHIAN CENTER FOR HIGHER EDUCATION FOR INNOVATIONS IN AMERICAN GOVERNMENT

Add the names: "Allen, Beatty, Buehrer, Calvert, Carano, Carmichael, Cates, Clancy, Flowers, Hughes, Otterman, T. Patton, Peterson, Trakas, Wilson"

H.R. No. 92 - Representative Oelslager

RECOGNIZING NATIONAL MARITIME DAY, MAY 22, 2003

Add the names: "Beatty, Calvert, Carano, Hughes, Otterman, T. Patton, Redfern, Schlichter, Trakas, Wilson"

H.R. No. 93 - Representatives Wagner, Reinhard

HONORING THE MOHAWK HIGH SCHOOL SOFTBALL TEAM AS THE 2003 DIVISION III STATE CHAMPION

Add the names: "Buehrer, Cates"

H.R. No. 94 - Representative Wagner

HONORING THE GIBSONBURG HIGH SCHOOL SOFTBALL TEAM AS THE 2003 DIVISION IV STATE CHAMPION

Add the names: "Buehrer, Cates"

H.R. No. 95 - Speaker Householder

HONORING THE CINCINNATI POPS ORCHESTRA ON ITS TWENTY-FIFTH ANNIVERSARY

Add the names: "Allen, Calvert, Carano, Cates, Clancy, Driehaus, Flowers, Hughes, Otterman, T. Patton, Schlichter, Trakas, Wilson"

H.R. No. 96 - Representative Faber

HONORING THE MARION LOCAL HIGH SCHOOL CHEERLEADING SQUAD AS THE NON-MOUNT CHEERLEADING STATE CHAMPION

Add the names: "Beatty, Cates"

H.R. No. 97 - Representative Widener

HONORING ASHLEY DENNISON AS A 2003 DIVISION II STATE TRACK AND FIELD CHAMPION

Add the name: "Allen"

H.R. No. 98 - Representative Widener

HONORING BRITTANY DAVIES AS A 2003 DIVISION III STATE TRACK AND FIELD CHAMPION

Add the name: "Allen"

H.R. No. 99 - Representative Martin

HONORING ELYRIA HIGH SCHOOL GIRLS TRACK AND FIELD TEAM AS THE 2003 DIVISION I STATE CHAMPION

Add the names: "Allen, Cates"

S. Con. R. No. 9 - Senator Hottinger, Representative D. Evans

HONORING THE NEWARK CATHOLIC HIGH SCHOOL BASEBALL TEAM AS THE 2003 DIVISION IV STATE CHAMPION

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

H. R. No. 74 - 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, Sferra, Skindell, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Sykes, Taylor, Trakas, Ujvagi, Wagner, Walcher, Webster, White, Widener, Widowfield, Willamowski, Williams, Wilson, Wolpert, Woodard, Yates, Young.

IN MEMORY OF MICHAEL J. DAMAS

LARRY HOUSEHOLDER,
Chair.

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

The motion was agreed to.

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

H. R. No. 74 - Speaker Householder, Representatives Redfern, Allen, Aslanides, Barrett, Beatty, Blasdel, Boccieri, Book, Brinkman, Brown, Buehrer, Callender, Calvert, Carano, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Core, Daniel, 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, Schlieter, Schmidt, Schneider, Seaver, Seitz, Setzer, Sferra, Skindell, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Sykes, Taylor, Trakas, Ujvagi, Wagner, Walcher, Webster, White, Widener, Widowfield, Willamowski, Williams, Wilson, Wolpert, Woodard, Yates, Young.

In memory of Michael J. Damas.

WHEREAS, The members of the House of Representatives of the 125th General Assembly of Ohio wish to extend heartfelt condolences to the family and friends of Michael J. Damas in their time of bereavement; and

WHEREAS, Michael Damas' zealous love of life and his selfless concern for the welfare of others distinguished him as an outstanding human being and as a leading citizen. A former member of the Toledo Board of Education and mayor of Toledo, he served on the Toledo City Council and three terms with the Ohio House of Representatives, and he was a dedicated and devoted public servant whose exemplary career serves as an inspiration for others; and

WHEREAS, A man of exceptional concern and insight, Michael Damas also achieved a praiseworthy record of service as an administrator at the former Toledo Health and Retiree Center, the founder of the Toledo Cultural Commission, and an active member of the Medical College of Ohio Foundation and St. George Antiochian Orthodox Cathedral. His untiring efforts earned him many richly deserved accolades, including the 1984 International Institute of Greater Toledo Distinguished Citizenship Award; and

WHEREAS, Michael Damas' personal sacrifices of time and energy to his family, his friends, his community, and the State of Ohio will certainly live beyond him, and he will long be remembered for his kindness and his unwavering commitment to service. Though the void which his death has created can never be filled, the warmth and understanding which Michael Damas so readily extended to others will stand as a testament to his personal character, and he will be remembered fondly by all those who knew and loved him; therefore be it

RESOLVED, That we, the members of the House of Representatives of the 125th General Assembly of Ohio, in adopting this Resolution, pay tribute to the memory of a truly honorable man, Michael J. Damas; 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 Michael J. Damas.

The resolution was adopted.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 56-Representatives Callender, Seitz, Gibbs, T. Patton,

Chandler, Miller, Carano, Schaffer, D. Evans, Hughes, Allen, D. Stewart, Otterman, Grendell, Ujvagi, Perry, S. Patton, G. Smith, Seaver, DeBose, Schlichter, Reinhard, Hoops, Daniels, Price, McGregor, Key, Jolivette.

To amend section 4501.21 and to enact sections 4503.551 and 4503.82 of the Revised Code to create Rock and Roll Hall of Fame license plates and to permit the creation of additional varieties of a nonstandard license plate at the rate of one variety for every 20,000 motor vehicle registrations involving the original nonstandard license plate and its varieties, 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	Core
Daniels	DeBose	DePiero	DeWine
Distel	Domenick	Driehaus	Evans C.
Evans D.	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	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		Householder-99.

The bill passed.

Representative Callender moved to amend the title as follows:

Add the names: "DePiero, Domenick, Harwood, Miller, Schmidt, Schneider, Sferra, Skindell, J. Stewart, Trakas, Woodard, Young."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 51-SENATORS Blessing, Armbruster, Randy Gardner, DiDonato, Spada, Roberts, Coughlin, Goodman, Harris, Miller, Brady, Fedor, Prentiss, Robert Gardner, Schuring REPRESENTATIVES Schneider, Hollister, Beatty, Cirelli, Barrett, Harwood, S. Smith, Jolivette.

To amend sections 2305.234, 3701.262, 4715.02, 4715.03, 4715.12, 4715.13, 4715.14, 4715.16, 4715.23, 4715.24, and 4715.39, to enact new sections 4715.10 and 4715.11 and sections 3702.85 to 3702.95, and to repeal sections 4715.10, 4715.11, and 4715.15 of the Revised Code 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, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Willamowski moved to amend as follows:

In line 1304, delete "seven" and insert "six".

In line 1309, delete "seven".

In line 1316, delete "The new".

Delete line 1317.

In line 1318, delete "6, 2007."

The motion was agreed to and the bill so amended.

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

6/18/03

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. 51**, because it might be construed that I have an interest in the legislation.

Sincerely yours,

/S/ CHRIS WIDENER
CHRIS WIDENER
State Representative

84th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 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	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	Widowfield	Willamowski	Williams
Wilson	Wolpert	Woodard	Yates
Young			Householder-98.

The bill passed.

Representative Willamowski moved to amend the title as follows:

Add the names: "Allen, Aslanides, Bocchieri, Brown, Carano, Cates, Clancy, Collier, Daniels, DeBose, Distel, Domenick, Driehaus, C. Evans, D. Evans, Fessler, Flowers, Grendell, Hagan, Hartnett, Hughes, Key, Koziura, Latta, McGregor, Niehaus, Olman, Otterman, S. Patton, T. Patton, Peterson, Price, Raga, Schmidt, Seitz, Setzer, G. Smith, D. Stewart, J. Stewart, Wagner, Widowfield, Willamowski, Wilson, Woodard."

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 passed the following bill in which the concurrence of the House is requested:

Sub. S. B. No. 82 - Senators Amstutz, Randy Gardner, Jacobson, Mumper, Stivers, Harris, Spada, DiDonato, Schuler, Hagan, Robert Gardner, Schuring, Brady, Carnes, Herington, White

To amend sections 301.27, 2913.01, and 5705.41 and to enact section 301.29 of the Revised Code to authorize boards of county commissioners to approve the use of procurement cards for certain work-related purchases, to make changes pertaining to the exemption of county expenditures from the certification of available funds, and to make changes to the County Credit Card Law.

Attest:

Matthew T. Schuler,
Clerk

Said bill was considered the first time.

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. 97 - Representatives Willamowski, Hagan, McGregor, Seitz, Calvert, Schmidt, Schaffer, Faber, Allen, White, Seaver, Ujvagi, Webster, Fessler, Callender, Buehrer, Wolpert, Olman, Widowfield, Daniels, Collier, Walcher, Domenick, Wagner, C. Evans, Schlichter, Chandler, Cirelli, Sferra, Price, Skindell, Barrett, Beatty, Bocchieri, Carano, Carmichael, Cates, Clancy, DeBose, Distel, Flowers, Gibbs, Hartnett, Harwood, Hughes, Key, Koziura, Latta, Martin, Niehaus, Oelslager, Otterman, S. Patton, T. Patton, Raga, Reidelbach, Schneider, Setzer, D. Stewart, J. Stewart, Strahorn, Taylor, Widener, Yates Senators Robert Gardner, Mumper, Stivers, Schuler, Roberts, Amstutz, Carey, Carnes, White

To amend sections 133.09, 505.37, 505.50, and 5549.021, and to enact sections 505.267 and 4931.03 of the Revised Code to permit a board of township trustees and boards of trustees of a joint township police district, a township fire district, a joint fire district, or a fire and ambulance district to enter into lease or lease with an option to purchase agreements for real and personal property and to permit a telephone company to construct telegraph or telephone lines upon, along, and beneath the public roads, highways, and waters that are in the unincorporated area of a township.

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

Attest:

Matthew T. Schuler,
Clerk

The Senate amendments were laid over under the Rule.

On motion of Representative Cates, the House recessed.

The House met pursuant to recess.

Representative Raga moved that the House revert to the sixth order of business, being Motions and resolutions.

The motion was agreed to.

MOTIONS AND RESOLUTIONS

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

H. R. No. 100 - Representative Daniels.

HONORING THE BLANCHESTER HIGH SCHOOL FUTURE FARMERS OF AMERICA CHAPTER AS THE NUMBER ONE RANKED CHAPTER IN OHIO

LARRY HOUSEHOLDER,
Chair.

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

The motion 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. 50 - Representatives Hughes, Latta, Flowers, J. Stewart, Gilb, McGregor, DePiero, Redfern, Allen, Seaver, Schaffer, Barrett, Young, Schmidt, Grendell, Mason, S. Smith, Brown, Jerse, Oelslager, D. Evans, Beatty, Book, Calvert, Carmichael, Cates, Chandler, Cirelli, Clancy, Daniels, DeBose, Distel, Fessler, Harwood, Hollister, Hoops, Jolivette, Kilbane, Niehaus, Olman, Otterman, S. Patton, T. Patton, Perry, Price, Reidelbach, Schlichter, Schneider, Sferra, G. Smith, D. Stewart, Strahorn, Wagner, Walcher, Webster, Widener, Wilson, Wolpert Senators Austria, Amstutz,

Brady, Carnes, Dann, Harris, Herington, Jacobson, Roberts, Stivers, Miller, Randy Gardner, Spada

To amend sections 2903.06, 2903.08, 4507.16, and 4549.99 of the Revised Code to increase the penalty for failure to stop after an accident if the violation caused the death of a person, to modify the offenses of aggravated vehicular homicide and aggravated vehicular assault, and to amend the versions of sections 2903.06, 2903.08, 4549.02, and 4549.021 of the Revised Code that are scheduled to take effect January 1, 2004, to continue the provisions of this act on and after that effective date.

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

Attest: Matthew T. Schuler,
Clerk

The Senate amendments were laid over under the Rule.

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. 12 - Representatives Aslanides, Cates, Hollister, J. Stewart, Faber, Seitz, Grendell, Willamowski, Blasdel, Book, Buehrer, Callender, Calvert, Carano, Carmichael, Cirelli, Clancy, Collier, Core, Daniels, DeWine, Distel, Domenick, C. Evans, D. Evans, Fessler, Flowers, Gibbs, Gilb, Hagan, Hoops, Husted, Kearns, Latta, Manning, Niehaus, Oelslager, T. Patton, Peterson, Raga, Raussen, Reinhard, Schaffer, Schlichter, Schmidt, Schneider, Seaver, Setzer, Sferra, Taylor, Webster, White, Widener, Wolpert, Young, Hughes Senators Austria, Jordan, Schuring, Amstutz, Carnes, Harris, Jacobson, Mumper, Robert Gardner

To amend sections 1547.69, 2911.21, 2913.02, 2921.13, 2923.11, 2923.12, 2923.121, 2923.122, 2923.123, 2923.13, 2923.16, 2929.14, 2953.32, and 4749.10 and to enact sections 109.69, 109.731, 181.251, 311.41, 311.42, 2923.124, 2923.125, 2923.126, 2923.127, 2923.128, 2923.129, 2923.1210, 2923.1211, 2923.1212, 2923.25, and 5122.311 of the Revised Code to authorize county sheriffs to issue licenses to carry concealed handguns to certain persons, to create the offenses of falsification to obtain a concealed handgun license, falsification of a concealed handgun license, and possessing a revoked or suspended concealed handgun license, to increase the penalty for theft of a firearm and having weapons while under disability, to modify the definition of handgun that applies in the Weapons Control Law, to require the

Office of Criminal Justice Services to prepare and distribute to federally licensed firearms dealers a poster and brochure that describe safe firearms practices, to require federally licensed firearms dealers to offer gun locking device to purchasers at the time of sale, post the poster, and provide the brochure to purchasers, and to maintain the provisions of this act on and after January 1, 2004, by amending the versions of sections 2923.122, 2929.14, and 2953.32 of the Revised Code that take effect on that date.

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

In line 723, after "(E)" insert "It is an affirmative defense to a charge under division (A) of this section of carrying or having control of a weapon other than a dangerous ordnance that all of the following apply:

(1) The firearm that is the basis of the charge is a handgun.

(2) A temporary protection order or civil protection order has been issued for the benefit or protection of the actor not more than forty-five days before the date on which the act charged occurred, and, at the time of the act charged, the temporary protection order or civil protection order is in effect, and the actor is carrying a copy of the temporary protection order or civil protection order.

(3) If at the time of the act charged, the actor has been stopped for any law enforcement purpose, the actor promptly informs any law enforcement officer who approaches the actor that the actor is carrying or has control of a handgun and shows the officer the copy of the order described in division (E)(2) of this section.

(4) If the actor is in a vehicle at the time of the act that is the basis of the charge, one of the following applies:

(a) No person under eighteen years of age is in the vehicle at the time of the transportation or possession charged, and either the handgun is in a holster and in plain sight, or the handgun is securely encased by being stored in a closed, locked glove compartment or in a gun case that is in plain sight and is locked.

(b) One or more persons under eighteen years of age is in the vehicle at the time of the transportation or possession charged, the handgun is not on the person of the actor, and the handgun is securely encased by being stored in a closed, locked glove compartment or in a gun case that is in plain sight and is locked.

(F)"

In lines 727, 729, 732, 739, 782, 789, and 790, delete "(F)" and insert "(G)"

In lines 2067, 2069, and 2073, reinsert "knowingly"; delete "recklessly"

In lines 2084, 2111, and 2184, delete "recklessly" and insert "knowingly"

In line 2201, after "(G)" insert "It is an affirmative defense to a charge under division (B) or (C) of this section of improperly handling firearms in a motor vehicle that all of the following apply:

(1) The firearm that is the basis of the charge is a handgun.

(2) A temporary protection order or civil protection order has been issued for the benefit or protection of the actor not more than forty-five days before the date on which the transportation or possession occurred, and, at the time of the transportation or possession charged, the temporary protection order or civil protection order is in effect, and the actor is carrying a copy of the temporary protection order or civil protection order.

(3) If at the time of the transportation or possession charged, the motor vehicle in which the actor is transporting or has the handgun has been stopped as a result of a traffic stop or a stop for another law enforcement purpose, the actor promptly informs any law enforcement officer who approaches the vehicle while stopped that the actor is transporting or has the handgun in the vehicle and shows the officer the copy of the order described in division (G)(2) of this section.

(4) One of the following applies:

(a) No person under eighteen years of age is in the motor vehicle at the time of the transportation or possession charged, and either the handgun is in a holster and in plain sight, or the handgun is securely encased by being stored in a closed, locked glove compartment or in a gun case that is in plain sight and is locked.

(b) One or more persons under eighteen years of age is in the motor vehicle at the time of the transportation or possession charged, the handgun is not on the person of the actor, and the handgun is securely encased by being stored in a closed, locked glove compartment or in a gun case that is in plain sight and is locked.

(H)"

In line 2205, delete "(H)" and insert "(I)"

In line 2231, delete "(I)" and insert "(J)"

Between lines 2243 and 2244, insert:

"(6) "Civil protection order" and "temporary protection order" have the same meanings as in section 2923.124 of the Revised Code."

Attest:

Matthew T. Schuler,
Clerk

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has passed the following bill in which the concurrence of the House is requested:

S. B. No. 69 - Senators Herington, Dann, Fedor, Fingerhut, Mallory, Miller, Armbruster, Austria, Brady, Carey, Carnes, Randy Gardner, Robert Gardner, Goodman, Hagan, Hottinger, Jordan, Harris, Mumper, Nein, Roberts, Schuler, Schuring, Spada, Stivers, Wachtmann, White

To amend sections 2929.01, 2929.13, 2929.21, and 4511.99 and to enact sections 2941.1413 and 2941.1414 of the Revised Code to provide an additional prison term or term of imprisonment for certain repeat OMVI or OMVUAC offenders and to maintain the provisions of this act on and after January 1, 2004, by amending the versions of sections 2929.01, 2929.13, and 4511.19 of the Revised Code that take effect on that date.

Attest:

Matthew T. Schuler,
Clerk

Said bill was considered the first time.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on June 18, 2003, signed the following:

Sub. H.B. No. 108 - Representative Driehaus, et al.

On motion of Representative Raga, the House recessed.

The House met pursuant to recess.

On motion of Representative Cates, the House adjourned until Thursday, June 19, 2003 at 1:00 o'clock p.m.

Attest:

LAURA P. CLEMENS,
Clerk.