

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, NOVEMBER 9, 2004

TWO HUNDRED THIRTIETH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, November 9, 2004 at 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Jim Merideth of the Groveport United Methodist Church in Groveport, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of the previous legislative day was read and approved.

The following guests of the House of Representatives were recognized by Speaker Householder prior to the commencement of business:

Morrow Elementary School, guests of Representative Schneider-35th district.

Janet Ramsey and Patti Temple, guests of Representative Faber-77th district.

Matt and Kathy Pierce, guests of Representative Trakas-17th district.

### INTRODUCTION OF BILLS

The following bill was introduced:

**H. B. No. 573**-Representatives Schmidt, Schneider, Seitz, Raga, Carano, S. Patton.

To amend section 2301.02 of the Revised Code to add one judge to the Clermont County Court of Common Pleas to be elected in 2006.

Said bill was considered the first time.

### MOTIONS AND RESOLUTIONS

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

**H.R. No. 257 - Speaker Householder, Representatives Redfern, 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, C. Evans, D. Evans, 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, S. Patton, T. Patton, Perry, Peterson, Price, Raga, Raussen, Reidelbach, Reinhard, Schaffer, Schlichter, Schmidt, Schneider, Seaver, Seitz, Setzer, Sferra, Skindell, Slaby, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Sykes, Taylor, Trakas, Ujvagi, Wagner, Walcher, Webster, White, Widener, Widowfield, Willamowski, Wilson, Wolpert, Woodard,**

**Yates, Young**

## IN MEMORY OF JOHN PAUL STOZICH

/s/ LARRY HOUSEHOLDER

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. 257**-Speaker Householder, Representatives Redfern, 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, C. Evans, D. Evans, 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, S. Patton, T. Patton, Perry, Peterson, Price, Raga, Raussen, Reidelbach, Reinhard, Schaffer, Schlichter, Schmidt, Schneider, Seaver, Seitz, Setzer, Sferra, Skindell, Slaby, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Sykes, Taylor, Trakas, Ujvagi, Wagner, Walcher, Webster, White, Widener, Widowfield, Willamowski, Wilson, Wolpert, Woodard, Yates, Young.

In memory of John Paul Stozich.

*WHEREAS, The members of the House of Representatives of the 125th General Assembly of Ohio were deeply saddened to learn of the death of John Paul Stozich and extend our heartfelt condolences to his family and friends; and*

*WHEREAS, John Stozich 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. A veteran of the U.S. Navy and the U.S. Coast Guard Reserves, he served as a teacher and coach at Uhrichsville High School and Findlay High School, a member of the Ohio House of Representatives, director of the Ohio Department of Industrial Relations, and mayor of the City of Findlay. In addition, he was active with numerous organizations, including the Blanchard Valley Hospital Board of Trustees, the Hancock County Crippled Children's Board and Farm Bureau, the Knights of Columbus, the Elks, FOPA, and the local Kiwanis club, and he received numerous awards and honors for his exemplary service; and*

*WHEREAS, John Stozich's regard for improving the quality of life in our society was clearly evident in his personal sacrifices of time and effort to his family, friends, and community. He will be remembered for his generosity,*

*talents, and seemingly inexhaustible energy, and for the exceptional concern he displayed in all of his endeavors, and his absence will be keenly felt; and*

*WHEREAS, A loving father to his three children, John, Judy, and Francie, and two stepchildren, Mike and Sheryl, and the proud grandfather of eight grandchildren, John Stozich readily extended warmth and understanding to others, and the legacy of care and commitment he established will stand as a monument to his personal character; therefore be it*

*RESOLVED, That we, the members of the House of Representatives of the 125th General Assembly of Ohio, in adopting this Resolution, express a profound sense of loss and sincere regret at the death of John Paul Stozich; 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 John Paul Stozich.*

The resolution was adopted.

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

**H.R. No. 263 - Speaker Householder, Representatives Redfern, 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, C. Evans, D. Evans, 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, S. Patton, T. Patton, Perry, Peterson, Price, Raga, Raussen, Reidelbach, Reinhard, Schaffer, Schlichter, Schmidt, Schneider, Seaver, Seitz, Setzer, Sferra, Skindell, Slaby, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Sykes, Taylor, Trakas, Ujvagi, Wagner, Walcher, Webster, White, Widener, Widowfield, Willamowski, Wilson, Wolpert, Woodard, Yates, Young**

IN MEMORY OF HARRY TURNER

/s/ LARRY HOUSEHOLDER  
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. 263**-Speaker Householder, Representatives Redfern, 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, C. Evans, D. Evans, 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, S. Patton, T. Patton, Perry, Peterson, Price, Raga, Raussen, Reidelbach, Reinhard, Schaffer, Schlichter, Schmidt, Schneider, Seaver, Seitz, Setzer, Sferra, Skindell, Slaby, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Sykes, Taylor, Trakas, Ujvagi, Wagner, Walcher, Webster, White, Widener, Widowfield, Willamowski, Wilson, Wolpert, Woodard, Yates, Young.

In memory of Harry Turner.

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

*WHEREAS, Harry Turner 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. An attorney who operated his own law practice since 1954, he served Mount Vernon as a municipal court prosecutor, city solicitor, and member of the board of education, and he was also an active member of Faith Lutheran Church. Elected to the Ohio House of Representatives in 1972, he was re-elected to five more consecutive terms, and during his tenure, he was involved with education and transportation issues; and*

*WHEREAS, Harry Turner's regard for improving the quality of life in our society was clearly evident in his personal sacrifices of time and effort to his family, friends, and community. He will be remembered for his generosity, talents, and seemingly inexhaustible energy and for the exceptional concern he displayed in all of his endeavors, and his absence will be keenly felt; and*

*WHEREAS, A devoted husband to his wife, Shirley, a loving father to his son, Harry, and the proud grandfather of five grandchildren, Harry Turner readily extended warmth and understanding to others, and the legacy of care and commitment he established will stand as a monument to his personal character; therefore be it*

*RESOLVED, That we, the members of the House of Representatives of the 125th General Assembly of Ohio, in adopting this Resolution, express a profound sense of loss and sincere regret at the death of Harry Turner; 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 Harry Turner.*

The resolution was adopted.

**BILLS FOR THIRD CONSIDERATION**

**Sub. H. B. No. 260**-Representatives Daniels, McGregor, Seitz, J. Stewart, Core, Webster, Gilb, Kilbane.

To amend sections 733.40, 1905.21, 5703.47, 5719.041, 5731.22, 5731.23, and 5739.026 and to enact section 1905.06 of the Revised Code to reduce the rate at which interest accrues on estate tax and personal property tax overpayments and underpayments; to change the penalty for late estate tax payments and filings; to authorize county auditors to forgive such penalties for good cause; to require certain mayor's courts to collect certain fees and costs for special projects, programs, or services or for computerization; and to permit counties to levy a sales and use tax specifically for providing emergency medical services, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Miller moved that **Sub. H.B. No. 260** - Representative Daniels, et al., be rereferred to the committee on Ways and Means.

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

The yeas and nays were taken and resulted - yeas 31, nays 64, as follows:

Those who voted in the affirmative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Callender
Chandler	Cirelli	DeBose	DeGeeter
Domenick	Harwood	Jerse	Key
Mason	Miller	Otterman	Patton S.
Perry	Price	Redfern	Skindell
Smith S.	Stewart D.	Strahorn	Sykes
Ujvagi	Wilson		Yates-31.

Those who voted in the negative were: Representatives

Aslanides	Blasdel	Buehrer	Calvert
Carano	Carmichael	Cates	Clancy
Collier	Combs	Core	Daniels
DeWine	Distel	Driehaus	Evans C.
Evans D.	Faber	Fessler	Flowers
Gibbs	Gilb	Hagan	Hartnett
Hollister	Hoops	Hughes	Husted
Kearns	Kilbane	Koziura	Latta
Martin	McGregor	Niehaus	Oelslager
Olman	Patton T.	Peterson	Raga
Raussen	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seaver	Seitz
Setzer	Slaby	Smith G.	Stewart J.
Taylor	Trakas	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wolpert	Woodard	Householder-64.

The motion was not agreed to.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 81, nays 14, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Blasdel	Bocchieri
Book	Brinkman	Brown	Buehrer
Calvert	Carano	Carmichael	Cates
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
McGregor	Niehaus	Oelslager	Olman
Patton S.	Patton T.	Perry	Peterson
Price	Raga	Rausen	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seaver	Seitz	Setzer	Slaby
Smith G.	Smith S.	Stewart J.	Strahorn
Taylor	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Wilson	Wolpert
			Householder-81.

Those who voted in the negative were: Representatives

Barrett	Beatty	Callender	Chandler
Cirelli	Mason	Miller	Otterman
Redfern	Skindell	Stewart D.	Sykes
Woodard			Yates-14.

The bill passed.

Representative Daniels moved to amend the title as follows:

Add the names: "Aslanides, Collier, Combs, Flowers, Hoops, Peterson, Schaffer, Schmidt, Slaby, Taylor, Wolpert."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

#### MESSAGE FROM THE SPEAKER

Pursuant to House Rules 12, 27 and 29, the Speaker hereby makes the following changes to House standing committees:

Commerce and Labor - remove Representative Young; appoint Representative Schaffer, chair; appoint Representative Cates

Homeland Security, Engineering, and Architectural Design - remove

Representative Schaffer as chair.

On motion of Representative Cates, the House recessed.

The House met pursuant to recess.

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

The motion was agreed to.

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

Representative D. Stewart submitted the following report:

The standing committee on State Government to which was referred **H. B. No. 477**-Representative Flowers, et al., having had the same under consideration, reports it back and recommends its passage.

RE: GAMBLING ADDICTION PROGRAM

Representative Carmichael moved to amend the title as follows:

Add the names: "Clancy, S. Patton, Brown."

EDNA BROWN	SYLVESTER D. PATTON
ANNIE L. KEY	DAN STEWART
PATRICIA M. CLANCY	LARRY L. FLOWERS
JAMES PETER TRAKAS	KEVIN DEWINE
JIM CARMICHAEL	STEPHEN BUEHRER
GARY W. CATES	

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. 482**-Representative Blasdel, having had the same under consideration, recommends its re-referral to the committee on Rules and Reference.

RE: REAL ESTATE BROKERS/APPRAISERS-STANDARDS

THOM COLLIER	GARY W. CATES
JIM MCGREGOR	TIMOTHY O. SCHAFFER
DALE MILLER	TIMOTHY J. DEGEETER
L. GEORGE DISTEL	

The report was agreed to.

The bill was ordered to be engrossed and rereferred to the committee on Rules and Reference.



Representative Distel submitted the following report:

The standing committee on Commerce and Labor to which was referred **H. B. No. 498**-Representative Faber, et al., having had the same under consideration, reports it back and recommends its passage.

RE: EMPLOYMENT INTENTIONAL TORTS-PROOF

Representative Schaffer moved to amend the title as follows:

Add the name: "Cates."

THOM COLLIER	GARY W. CATES
JIM MCGREGOR	COURTNEY COMBS
SALLY CONWAY KILBANE	TIMOTHY O. SCHAFFER

The following members voted "NO"

L. GEORGE DISTEL	DALE MILLER
DAN STEWART	TIMOTHY J. DEGEETER

The report was agreed to.

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

Representative Yates submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 216**-Representative Seitz, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: REPEAT VIOLENT OFFENDERS - SENTENCING/APPEALS

Representative Latta moved to amend the title as follows:

Add the names: "Latta, Faber, D. Evans, Buehrer."

ROBERT E. LATTA	THOM COLLIER
WILLIAM J. SEITZ	TIMOTHY J. DEGEETER
DAVID R. EVANS	MIKE GILB
KEITH L. FABER	STEPHEN BUEHRER
JOHN R. WILLAMOWSKI	

The following members voted "NO"

EDWARD JERSE	TYRONE K. YATES
LANCE T. MASON	SHIRLEY A. SMITH
CATHERINE L. BARRETT	ANNIE L. KEY

The report was agreed to.

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

Representative Yates submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 401**-Representative Raga, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: BAD CHECKS - INCREASE PENALTY/EXPAND OFFENSE

Representative Latta moved to amend the title as follows:

Add the names: "Latta, D. Evans."

ROBERT E. LATTA  
STEPHEN BUEHRER  
DAVID R. EVANS  
TYRONE K. YATES  
LANCE T. MASON  
KEITH L. FABER  
THOM COLLIER  
ANNIE L. KEY

JOHN R. WILLAMOWSKI  
CATHERINE L. BARRETT  
MIKE GILB  
TIMOTHY J. DEGEETER  
EDWARD JERSE  
WILLIAM J. SEITZ  
SHIRLEY A. SMITH

The report was agreed to.

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

The standing committee on Criminal Justice to which was referred **H.B. No. 190**-Representative Trakas, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

RE: SEX PREDATOR/KIDNAP/RAPE-INCREASE PENALTY

Representative Latta moved to amend the title as follows:

Add the names: "Latta, Willamowski, D. Evans, Faber."

Representative Latta moved to amend as follows:

In line 34,, delete "or" and insert an underlined comma

In line 35, after "(c)" insert ", or (d)"

In line 43, after "kidnapping" insert "that is a felony of the first degree"

In line 47, after "(c)" insert "Except as otherwise provided in division (A) (4) of this seciton, if the offense is kidnapping that is a felony of the second degree, it shall impose an indefinite prison term consisting of a minimum term fixed by the court that is not less than eight years, and a maximum term of life imprisonment.

(d)"

The motion was agreed to and the bill so amended.

Representative Latta moved to amend as follows:

In lines 45 and 52, delete "a specific, definite number of years that is"

The motion was agreed to and the bill so amended.

ROBERT E. LATTA  
STEPHEN BUEHRER  
MIKE GILB  
SHIRLEY A. SMITH  
EDWARD JERSE  
ANNIE L. KEY  
TIMOTHY J. DEGEETER  
WILLIAM J. SEITZ

JOHN R. WILLAMOWSKI  
DAVID R. EVANS  
CATHERINE L. BARRETT  
TYRONE K. YATES  
THOM COLLIER  
LANCE T. MASON  
KEITH L. FABER

The report was agreed to.

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

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:

**H. B. No. 224** - Representatives Kearns, J. Stewart, McGregor, Gilb, Seitz, S. Patton, Jerse, Fessler, Skindell, DeWine, Chandler, Allen, Walcher, Schmidt, Setzer, Otterman, Webster, Cirelli, Barrett, Widener, Carano, Harwood, Hoops, Ujvagi, Key, Latta, C. Evans, Hollister, Willamowski, Boccieri, Seaver, Price, Schaffer, Clancy, Buehrer, D. Stewart, Brown, Daniels, DeBose, Domenick, Flowers, Hagan, Hughes, Jolivette, Reidelbach, Schlichter, Schneider, Strahorn, Yates. Senators Robert Gardner, Austria, Spada, Mumper, Harris, Carey, Armbruster

To enact section 5.2227 of the Revised Code designating November 19 as "George Rogers Clark Day."

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 adoption of the following concurrent resolution:

**H.C.R. No. 47 - Representatives Schneider, Calvert Senator Schuler**

Honoring Morrow Elementary School as the 2004 Ohio and National

Primary School of the Year.

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 adoption of the following concurrent resolution:

**H. C. R. No. 34** - Representatives Daniels, Allen, Barrett, Bocchieri, Carano, C. Evans, Gilb, Harwood, Hughes, Husted, McGregor, Miller, Otterman, Price, Redfern, Schmidt, Schaffer, Seitz, Setzer, Skindell, J. Stewart, Walcher, Webster, Willamowski, Williams, Clancy, Flowers, Schlichter.  
Senators Roberts, Schuler, Carey

Recognizing the Second Week of February as Electric Week in Ohio.

Attest:

Matthew T. Schuler,  
Clerk.

On motion of Representative Walcher, the House adjourned until Wednesday, November 10, 2004 at 1:30 o'clock p.m.

Attest:

LAURA P. CLEMENS,  
Clerk.