

OHIO

House

of

Representatives

JOURNAL

TUESDAY, NOVEMBER 16, 2004

TWO HUNDRED THIRTY-THIRD DAY
Hall of the House of Representatives, Columbus, Ohio
Tuesday, November 16, 2004 at 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Reverend Vernon Barrell of the First Church of Christ in Logan, 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:

The Middletown High School Boys Cross Country Team received HR 270, presented by Representative Cates-55th district.

Jeff See, received HR 271, presented by Representative Cates-55th district.

Brian Mezler and Eddie Yanko, guests of Speaker Householder-91st district.

Fourth grade students from Holy Trinity Elementary School, guests of Speaker Householder-91st district.

Carolyn Carmichael, wife, Representative Carmichael-3rd district.

Brian Gentry, a guest of Representative Carmichael-3rd district.

Larry Hunter and Dennis Pitts, guests of Representative Taylor-43rd district.

Orlando Carter, Jim Smith, and Scott Owens, guests of Representative Cates-55th district.

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. 162 - Representative Redfern

IN MEMORY OF EARL L. WISEMAN

Add the names: Speaker Householder, Allen, Aslanides, Barrett, Beatty, Blasdel, Boccieri, Book, Brinkman, Brown, Buehrer, Callender, Calvert, Carano, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, 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, 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

/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 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. 162-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, DeGeeter, 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 Earl L. Wiseman.

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

WHEREAS, Earl Wiseman 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. The founder of the Wiseman Real Estate and Insurance Agency, a former employee of the DeVilbiss and Wauseon Manufacturing companies, a founder of Riverview Industries, Inc., and a member of the Port Clinton City Council for sixteen years and the Ohio House of Representatives for four years, he was also active with the Rotary Club, the Port Clinton Playmakers, the Ottawa County Historical Society, the Capital University and Luther Home of Mercy boards of directors, and Peace Lutheran Church, and he will be remembered for his generosity, talents, and seemingly inexhaustible energy; and

WHEREAS, Earl Wiseman'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, In his various roles as a loving husband to his wife, the late Byronna, a devoted father to his three children, David, Thomas, and Nancy, the proud grandfather of seven grandchildren and eight great-grandchildren, a dynamic politician, and a successful businessman, Earl Wiseman always used his talents to the benefit of those around him, and the warmth and understanding which he readily extended to others will stand as a testament to his personal character. 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, express a profound sense of loss and sincere regret at the death of Earl L. Wiseman 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 Earl L. Wiseman.

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. 269 - 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 BILL HINIG

/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. 269- 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 Bill Hinig.

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

WHEREAS, Bill Hinig's 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. Most recently serving on the State Personnel Board of Review, he was a decorated U.S. armed forces veteran of World War II, an accountant, and a member of the Ohio House of Representatives for twenty-five years, chairing the Finance and Ways and Means committees, and he was a dedicated and devoted public servant whose exemplary career serves as an inspiration for others; and

WHEREAS, A man of exceptional insight, Bill Hinig also achieved a praiseworthy record of service as a councilman at-large for New Philadelphia and as chief deputy to the Tuscarawas County auditor for six years. His untiring efforts earned him the respect and esteem of many, and we applaud his tremendous work; and

WHEREAS, Bill Hinig's contributions to the State of Ohio will certainly live beyond him, as will his kindness and his unwavering commitment to service. The warmth and understanding he 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, express a profound sense of loss and sincere regret at the death of Bill Hinig; 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 Bill Hinig.

The resolution was adopted.

On motion of Representative Cates, the House recessed.

The House met pursuant to recess.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 216-Representatives Seitz, Oelslager, Willamowski, McGregor, Calvert, Webster, Niehaus, Collier, Hartnett, Harwood, C. Evans, Gilb, Aslanides, Husted, Martin, Seaver, Brinkman, Schmidt, Schaffer, Hoops, Latta, Faber, D. Evans, Buehrer.

To amend sections 2929.01, 2929.13, 2929.14, 2941.149, and 2953.08 of the Revised Code relative to the sentences imposed on repeat violent offenders and the appeal of repeat violent offender sentences, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Jerse moved to amend as follows:

In line 968, after "offender" insert "a prison term that is at least one half of the"

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

The yeas and nays were taken and resulted - yeas 42, nays 53, as follows:

Those who voted in the affirmative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Callender
Carano	Chandler	Cirelli	Clancy
Collier	DeBose	DeGeeter	Distel
Domenick	Driehaus	Flowers	Hartnett
Harwood	Jerse	Key	Kilbane
Koziura	Mason	Miller	Otterman
Patton S.	Patton T.	Perry	Peterson
Price	Redfern	Seaver	Skindell
Smith S.	Stewart D.	Strahorn	Ujvagi
Wilson			Yates-42.

Those who voted in the negative were: Representatives

Aslanides	Blasdel	Buehrer	Calvert
Carmichael	Cates	Combs	Core
Daniels	DeWine	Evans C.	Evans D.
Faber	Fessler	Gibbs	Gilb
Grendell	Hagan	Hollister	Hoops
Hughes	Husted	Kearns	Latta
Martin	McGregor	Niehaus	Oelslager

Olman	Raga	Rausen	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seitz	Setzer	Slaby
Smith G.	Stewart J.	Taylor	Trakas
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Wolpert
			Householder-53.

The motion was not agreed to.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 80, nays 15, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Blasdel	Bocieri
Book	Brinkman	Buehrer	Callender
Calvert	Carano	Carmichael	Cates
Chandler	Cirelli	Clancy	Collier
Combs	Core	Daniels	DeGeeter
DeWine	Distel	Domenick	Driehaus
Evans C.	Evans D.	Faber	Fessler
Flowers	Gibbs	Gilb	Grendell
Hagan	Hartnett	Harwood	Hollister
Hoops	Hughes	Husted	Kearns
Kilbane	Koziura	Latta	Martin
McGregor	Niehaus	Oelslager	Olman
Otterman	Patton T.	Perry	Peterson
Raga	Rausen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Slaby	Smith G.	Stewart J.	Taylor
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wilson	Wolpert	Householder-80.

Those who voted in the negative were: Representatives

Barrett	Beatty	Brown	DeBose
Jerse	Key	Mason	Miller
Patton S.	Price	Skindell	Smith S.
Stewart D.	Strahorn		Yates-15.

The bill passed.

Representative Seitz moved to amend the title as follows:

Add the names: "Carmichael, Clancy, Daniels, Flowers, Gibbs, Hagan, Hughes, T. Patton, Rausen, Reidelbach, Schneider, Slaby, G. Smith, Trakas, Widener, Wolpert."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 398-Representatives J. Stewart, Allen, Aslanides, Core,

Hollister, McGregor, Redfern, Seitz, Setzer, Taylor, Willamowski, Olman, Martin, Harwood, Barrett, Cirelli, Hoops, Slaby, DeBose, Kearns.

To enact sections 5122.44 to 5122.47 of the Revised Code to require the Department of Mental Health to create compilations of information about patients buried, entombed, or inurned in cemeteries located on the grounds of or adjacent to the grounds of hospitals under the Department's control, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative J. Stewart moved to amend as follows:

In line 34, delete "with in" and insert "within"

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 94, 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	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.
Smith S.	Stewart D.	Stewart J.	Strahorn
Taylor	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Wilson	Wolpert
Yates			Householder-94.

Representative Grendell voted in the negative-1.

The bill passed.

Representative J. Stewart moved to amend the title as follows:

Add the names: "Brown, Callender, Carano, Chandler, Collier, Distel, Domenick, C. Evans, Fessler, Flowers, Gilb, Hagan, Hughes, Key, Miller, Otterman, S. Patton, T. Patton, Perry, Peterson, Price, Reidelbach, Schaffer,

Schmidt, G. Smith, S. Smith, D. Stewart, Strahorn, Wilson."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 401-Representatives Raga, Latta, D. Evans.

To amend section 2913.11 of the Revised Code to expand the offense of passing bad checks to apply to electronic transactions, to include in the offense a provision regarding stop payment orders on checks, and to include in the offense a provision regarding aggregation of checks issued within 180 days for purposes of determining an offender's penalty, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Webster moved to amend as follows:

Between lines 74 and 75, insert:

"(G) Unless otherwise prohibited by state or federal law, a person who receives a check that has been dishonored because of insufficient funds may present that check for immediate payment to the financial institution on whose paper the check is written as soon as the account is determined to have sufficient funds. A financial institution that honors a check pursuant to this division shall not charge a fee, including a fee for issuing a replacement check, for honoring that check."

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

The yeas and nays were taken and resulted - yeas 58, nays 37, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Beatty	Bocchieri
Brinkman	Brown	Buehrer	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Combs	Core
Daniels	DeBose	DeGeeter	Distel
Driehaus	Evans C.	Fessler	Gibbs
Gilb	Hagan	Hartnett	Harwood
Hollister	Jerse	Kearns	Key
Koziura	Latta	Martin	Mason
Miller	Niehaus	Otterman	Patton S.
Patton T.	Perry	Peterson	Price
Redfern	Reinhard	Schmidt	Setzer
Skindell	Smith S.	Stewart D.	Stewart J.
Strahorn	Ujvagi	Webster	White
Wilson			Householder-58.

Those who voted in the negative were: Representatives

Barrett	Blasdel	Book	Callender
Calvert	DeWine	Domenick	Evans D.
Faber	Flowers	Grendell	Hoops

Hughes	Husted	Kilbane	McGregor
Oelslager	Olman	Raga	Rausen
Reidelbach	Schaffer	Schlichter	Schneider
Seaver	Seitz	Slaby	Smith G.
Taylor	Trakas	Wagner	Walcher
Widener	Widowfield	Willamowski	Wolpert
			Yates-37.

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 94, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Allen	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	Skindell	Slaby	Smith G.
Smith S.	Stewart D.	Stewart J.	Strahorn
Taylor	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Wilson	Wolpert
Yates			Householder-94.

Representative Aslanides voted in the negative-1.

The bill passed.

Representative Raga moved to amend the title as follows:

Add the names: "Aslanides, Beatty, Book, Brown, Buehrer, Carano, Carmichael, Cirelli, Daniels, DeBose, DeGeeter, Distel, Domenick, Driehaus, C. Evans, Flowers, Gibbs, Hagan, Hartnett, Harwood, Hollister, Hoops, Hughes, Martin, Miller, Olman, Otterman, T. Patton, Perry, Price, Reidelbach, Schaffer, Schmidt, Seaver, Slaby, G. Smith, Webster, Willamowski, Wilson, Wolpert."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Speaker Householder, the House adjourned until Wednesday, November 17, 2004 at 1:30 o'clock p.m.

Attest:

LAURA P. CLEMENS,
Clerk.