OHIO House of Representatives JOURNAL

WEDNESDAY, NOVEMBER 17, 2004

TWO HUNDRED THIRTY-FOURTH DAY Hall of the House of Representatives, Columbus, Ohio Wednesday, November 17, 2004 at 1:30 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Father Michael Lumpe of the St. Matthews Church in Gahanna, 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:

Major General Edward John Mechenbier received HR 258, presented by Representative DeWine-70th district.

Tyler Cope, a guest of Representative DeGeeter-15th district.

Adam Olsen, a guest of Representative Flowers-19th district.

Nathan Haid, a guest of Representative Wolpert-23rd district.

Ashley Cox, a guest of Representative D. Stewart-25th district.

Dionn Boyd, a guest of Representative Beatty-27th district.

Nick Wilkinson, a guest of Representatives Allen-39th district and Strahorn-40th district.

Sarah Weirgand, a guest of Representative Chandler-68th district.

Joe Snader, a guest of Representative Hartnett-73rd district.

Kathy Snyder and Wesley Black, guests of Representative Faber-77th district.

Bob and Janet Booth and David Baldwin, guests of Representative Wagner-81st district.

Natalie Blue, a guest of Representative Schlichter-85th district.

Joe West, Ray Erikson, and Joyce Sparks, guests of Representative Daniels-86th district.

Charles and Dee Mercer, Liz Conley, and Debbie Parker, guests of Representatives Niehaus-88th district and Book-89th district.

Members of the National Association of Retired Federal Employees, guest of Representatives Willamowski-4th district, Faber-77th district, Seaver-78th district, and Gilb-76th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 580-Representatives Price, Sykes, Beatty, S. Patton, DeBose,

Key, Barrett, Strahorn, Woodard, S. Smith, Mason, Yates, Allen, Brown, Cirelli, Miller, Perry, Wolpert, Skindell, D. Stewart, Hartnett, Otterman, Chandler.

To amend sections 3501.01, 3501.11, 3503.24, and 3505.20 and to enact section 3505.181 of the Revised Code to permit qualified electors to cast their ballots at specified locations during the two weeks preceding the day of an election.

H. B. No. 581-Representatives Price, Sykes, Beatty, S. Patton, DeBose, Key, Barrett, Strahorn, Woodard, S. Smith, Mason, Yates, Allen, Brown, Cirelli, Perry, Harwood, Skindell, D. Stewart, Hartnett, Otterman, Chandler, Driehaus.

To amend sections 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, 2903.211, 2905.02, 2907.01, 2907.03, 2907.06, 2911.02, 2911.12, 2911.13, and 2911.21 of the Revised Code to increase the penalty for specified offenses if the victim of the offense is an elderly person.

H. B. No. 582-Representative Buehrer.

To amend section 5537.26 of the Revised Code to allow the Ohio Turnpike Commission to decrease toll rates without holding public hearings, and to make an appropriation.

Said bills were considered the first time.

The following joint resolutions were introduced:

H. J. R. No. 17-Representatives Price, Sykes, Beatty, S. Patton, DeBose, Key, Barrett, Woodard, S. Smith, Mason, Yates, Allen, Brown, Cirelli, Miller, Perry, Skindell, D. Stewart, Hartnett, Otterman, Chandler.

Proposing to amend Section 1 of Article XVII of the Constitution of the State of Ohio to permit the General Assembly to enact laws to authorize early voting.

H. J. R. No. 18-Representative Buehrer.

Proposing to enact Section 9 of Article XV of the Constitution of the State of Ohio to preserve the right to take wild animals, birds, and fish through hunting, trapping, and fishing.

Said joint resolutions were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Yates submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 525**-Representative Latta, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: COLLECT DNA - ALL JUVENILE AND ADULT OFFENDERS

Representative Latta moved to amend the title as follows:

Add the names: "Jerse, Willamowski, D. Evans."

ROBERT E. LATTA THOM COLLIER WILLIAM J. SEITZ EDWARD JERSE

TYRONE K. YATES TIMOTHY J. DEGEETER

JOHN R. WILLAMOWSKI KEITH L. FABER

DAVID R. EVANS CATHERINE L. BARRETT SHIRLEY A. SMITH TIMOTHY J. GRENDELL

MIKE GILB

The following members voted "NO"

JAMIE CALLENDER ANNIE L. KEY

LANCE T. MASON

The report was agreed to.

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

Representative D. Stewart submitted the following report:

The standing committee on State Government to which was referred **H. B. No. 510**-Representative Flowers, et al., having had the same under consideration, reports it back and recommends its passage.

RE: OHIO PUBLIC SAFETY EMPLOYEE DAY - SEPTEMBER 11

Representative Carmichael moved to amend the title as follows:

Add the names: "Brown, D. Stewart, Cates, Trakas, Key, S. Patton, Buehrer, Carmichael, DeWine."

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

The report was agreed to.

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

Representative D. Stewart submitted the following report:

The standing committee on State Government to which was referred **H.B. No. 552** - Speaker Householder, having had the same under consideration, reports it back and recommends its passage.

RE: STATE FLAG - RECOMMENDED FOLDING PROCEDURE

Representative Carmichael moved to amend the title as follows:

Add the names: "Clancy, Flowers, DeWine, Peterson, Brown."

JON M. PETERSON
GARY W. CATES
LARRY L. FLOWERS
ANNIE L. KEY
JIM CARMICHAEL

JAMES PETER TRAKAS KEVIN DEWINE PATRICIA M. CLANCY EDNA BROWN

The report was agreed to.

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

Representative D. Stewart submitted the following report:

The standing committee on State Government to which was referred **H. B. No. 568**-Representative White, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SUNSET REVIEW - IMPLEMENT REPORT

Representative Carmichael moved to amend the title as follows:

Add the names: "Clancy, Flowers, DeWine, Peterson, Brown."

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

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 **H. B. No. 305**-Representative Schaffer, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: NONPROFIT CORPS - ELECTRONIC/TEL MTGS/VOTING

Representative Seitz moved to amend the title as follows:

Add the names: "Willamowski, Harwood, Book."

WILLIAM J. SEITZ CHRIS WIDENER

TONY CORE JOHN R. WILLAMOWSKI ROBERT E. LATTA TIMOTHY J. GRENDELL

SANDRA STABILE HARWOOD TODD BOOK LANCE T. MASON JOYCE BEATTY

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 **H. B. No. 494**-Representative Wagner, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: IMMUNITY DETERMINATN-ST EMPLOYEE PARTICIPATE

Representative Seitz moved to amend the title as follows:

Add the names: "Seitz, Widener."

WILLIAM J. SEITZ CHRIS WIDENER

ROBERT E. LATTA JOHN R. WILLAMOWSKI

TIMOTHY J. GRENDELL SANDRA STABILE HARWOOD

TODD BOOK LANCE T. MASON TONY CORE JOYCE BEATTY

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 **Sub. S. B. No. 71**-Senator Goodman, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: JURY DUTY - REVISIONS

Representative Seitz moved to amend the title as follows:

Add the names: "Representatives Seitz, Grendell, Willamowski, Latta."

WILLIAM J. SEITZ CHRIS WIDENER

TIMOTHY J. GRENDELL JOHN R. WILLAMOWSKI

ROBERT E. LATTA TONY CORE

JAMIE CALLENDER SANDRA STABILE HARWOOD

TODD BOOK JOYCE BEATTY

LANCE T. MASON

The report was agreed to.

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

Representative Woodard submitted the following report:

The standing committee on Finance and Appropriations to which was referred **Sub. S. B. No. 165**-Senator Schuring, et al., having had the same under consideration, reports it back and recommends its passage.

RE: LIENS - SECURE DEVELOPMENT LOANS/TX INCENTIVES

Representative Calvert moved to amend the title as follows:

Add the names: "Representatives D. Evans, Miller, S. Patton."

JON A. HUSTED CHARLES CALVERT JAMES M. HOOPS CATHERINE L. BARRETT SYLVESTER D. PATTON CHARLES A. WILSON JAMES PETER TRAKAS DAVID R. EVANS FRED STRAHORN MERLE GRACE KEARNS **DALE MILLER** WILLIAM J. HARTNETT SHAWN N. WEBSTER DIXIE J. ALLEN **EARL MARTIN CLYDE EVANS** JEAN SCHMIDT JIM HUGHES MICHELLE G. SCHNEIDER **KEVIN DEWINE** JOHN SCHLICHTER PETER UJVAGI LARRY L. FLOWERS KEITH L. FABER TOM RAGA **TONY CORE**

The report was agreed to.

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

Representative Woodard submitted the following report:

The standing committee on Finance and Appropriations to which was referred **S. B. No. 224**-Senator Padgett, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: TECHNICAL COLLEGE - HOUSING/DINING FACILITIES

Representative Calvert moved to amend the title as follows:

Add the name: "Representative D. Evans."

CHARLES CALVERT CHARLES A. WILSON DALE MILLER SYLVESTER D. PATTON WILLIAM J. HARTNETT EARL MARTIN CATHERINE L. BARRETT FRED STRAHORN JAMES M. HOOPS MERLE GRACE KEARNS DIXIE J. ALLEN DAVID R. EVANS SHAWN N. WEBSTER TOM RAGA

MICHELLE G. SCHNEIDER JEAN SCHMIDT

KEVIN DEWINE JIM HUGHES

PETER UJVAGI LARRY L. FLOWERS JOHN SCHLICHTER KEITH L. FABER **CLYDE EVANS** TONY CORE

The following members voted "NO"

JAMES PETER TRAKAS JON A. HUSTED

The report was agreed to.

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

Representative Woodard submitted the following report:

The standing committee on Finance and Appropriations to which was referred S. C. R. No. 32-Senator Spada, et al., having had the same under consideration, reports it back and recommends its adoption.

RE: NASA VISION FOR SPACE EXPLORATION PROG - SUPPORT

Representative Calvert moved to amend the title as follows:

Add the names: "Representatives Calvert, Hoops, S. Patton, D. Evans, Trakas, Barrett, Webster, Martin, Strahorn, Miller, Hartnett, Allen, Raga, DeWine, Schlichter, Schmidt, C. Evans, Flowers, Faber, Core."

CHARLES CALVERT JAMES M. HOOPS SYLVESTER D. PATTON JON A. HUSTED DAVID R. EVANS JAMES PETER TRAKAS CATHERINE L. BARRETT SHAWN N. WEBSTER FRED STRAHORN EARL MARTIN **DALE MILLER** MERLE GRACE KEARNS WILLIAM J. HARTNETT DIXIE J. ALLEN TOM RAGA **KEVIN DEWINE** JOHN SCHLICHTER JEAN SCHMIDT CHARLES A. WILSON **CLYDE EVANS** MICHELLE G. SCHNEIDER PETER UJVAGI

LARRY L. FLOWERS JIM HUGHES **TONY CORE**

KEITH L. FABER

The report was agreed to.

The concurrent resolution 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. 578 - Representative Beatty, et al

REGARDING MEDICAID COVERAGE OF PSYCHOLOGY SERVICES AND TO MAKE AN APPROPRIATION

To the committee on Finance and Appropriations

H.B. No. 579 - Representative Skindell

TO REQUIRE THE STATE LOTTERY COMMISSION TO ADOPT RULES GOVERNING THE DISPLAY OF ADVERTISING AND CELEBRITY IMAGES ON LOTTERY TICKETS AND OTHER ITEMS USED IN THE CONDUCT OF, OR TO PROMOTE, THE STATEWIDE LOTTERY AND STATEWIDE JOINT LOTTERY GAMES

To the committee on Finance and Appropriations

Sub. S.B. No. 234 - Senator Mumper, et al

TO AUTHORIZE THE ADJUTANT GENERAL TO TRANSFER A SPECIFIED PARCEL OF STATE-OWNED REAL ESTATE NO LONGER NEEDED FOR ARMORY OR MILITARY PURPOSES TO THE GRANTOR OF THE PARCEL PURSUANT TO THE REVERSIONARY CLAUSE IN THE PARCEL'S DEED; TO AUTHORIZE THE CONVEYANCE OF TWELVE PARCELS OF STATE-OWNED REAL ESTATE THAT THE ADJUTANT GENERAL HAS DETERMINED ARE NO LONGER REQUIRED FOR ARMORY OR MILITARY PURPOSES TO A BUYER OR BUYERS TO BE DETERMINED AT A LATER DATE: TO AUTHORIZE THE CONVEYANCE OF SPECIFIED STATE-OWNED REAL ESTATE LOCATED IN GALLIA COUNTY TO ROBERT WILEY; TO AUTHORIZE THE CONVEYANCE OF SPECIFIED STATE-OWNED REAL ESTATE LOCATED IN GALLIA COUNTY TO THE BOARD OF COUNTY COMMISSIONERS OF GALLIA COUNTY; TO AUTHORIZE THE DIRECTOR OF ADMINISTRATIVE SERVICES TO OFFER FOR SALE, TO A BUYER TO BE DETERMINED AT A LATER DATE, SPECIFIED REAL ESTATE LOCATED IN WAYNE COUNTY THAT THE DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES HAS DETERMINED IS NO LONGER REOUIRED FOR STATE PURPOSES; TO AUTHORIZE THE CONVEYANCE OF SPECIFIED STATE-OWNED REAL ESTATE LOCATED IN UNION COUNTY TO THE ASSOCIATION FOR THE DEVELOPMENTALLY DISABLED; TO AUTHORIZE THE CONVEYANCE OF A SERIES OF SPECIFIED PARCELS OF STATE-OWNED REAL ESTATE LOCATED IN HAMILTON COUNTY TO CINCINNATI'S OPTIMUM RESIDENTIAL ENVIRONMENTS, INCORPORATED; TO AUTHORIZE THE CONVEYANCE OF SPECIFIED STATE-OWNED REAL ESTATE LOCATED IN SCIOTO COUNTY TO THE NORTHWEST LOCAL SCHOOL DISTRICT, SCIOTO COUNTY: TO AUTHORIZE THE CONVEYANCE OF SPECIFIED STATE-OWNED REAL ESTATE LOCATED IN JEFFERSON COUNTY TO THE EDISON LOCAL SCHOOL DISTRICT, JEFFERSON COUNTY; TO AUTHORIZE THE

CONVEYANCE OF SPECIFIED STATE-OWNED REAL ESTATE LOCATED IN MAHONING COUNTY TO THE CITY OF YOUNGSTOWN: TO AUTHORIZE THE CONVEYANCE OF SPECIFIED STATE-OWNED REAL ESTATE LOCATED IN PICKAWAY COUNTY TO THE VILLAGE OF ORIENT; TO AUTHORIZE THE CONVEYANCE OF SPECIFIED STATE-OWNED REAL ESTATE LOCATED IN MONTGOMERY COUNTY TO BARRY K. HUMPHRIES TO CORRECT AN ERRONEOUS OMISSION IN A PRIOR CONVEYANCE AUTHORIZED BY SUB. S.B. 332 OF THE 123RD GENERAL ASSEMBLY; TO AUTHORIZE THE CONVEYANCE OF SPECIFIED STATE-OWNED REAL ESTATE IN PORTAGE COUNTY TO THE BOARD OF COUNTY COMMISSIONERS OF PORTAGE COUNTY; TO AUTHORIZE THE CONVEYANCE OF CERTAIN STATE-OWNED REAL ESTATE IN SUMMIT COUNTY TO A PURCHASER; AND TO AUTHORIZE THE CONVEYANCE OF CERTAIN STATE-OWNED LAND IN MADISON COUNTY TO THE KIRKWOOD CEMETERY **ASSOCIATION**

To the committee on State Government

GARY W. CATES LARRY L. FLOWERS THOMAS F. PATTON JOHN SCHLICHTER KATHLEEN WALCHER DIXIE J. ALLEN KENNETH A. CARANO ROBERT J. OTTERMAN JIM CARMICHAEL
JIM HUGHES
JON M. PETERSON
JAMES PETER TRAKAS
CHRIS REDFERN
JOYCE BEATTY
EDWARD JERSE
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 Wilson reported for the Rules and Reference Committee recommending that the following House Resolutions be read by title only and approved:

H.R. No. 270 - Representatives Cates, Webster

HONORING THE MIDDLETOWN HIGH SCHOOL BOYS CROSS COUNTRY TEAM AS THE 2004 DIVISION I STATE CROSS COUNTRY

CHAMPION

H.R. No. 271 - Representatives Cates, Webster HONORING JEFF SEE ON WINNING THE 2004 DIVISION I STATE CROSS COUNTRY CHAMPIONSHIP

H.R. No. 272 - Representatives Driehaus, Seitz HONORING THE TAYLOR HIGH SCHOOL GIRLS CROSS COUNTRY TEAM AS THE 2004 DIVISION II STATE CHAMPION

/s/ GARY CATES
Gary Cates, Vice Chair

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

The motion was agreed to.

Representative Trakas moved that majority party members asking leave to be absent or absent the week of Tuesday, November 16, 2004, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Miller moved that minority party members asking leave to be absent or absent the week of Tuesday, November 16, 2004, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 305-Representatives Schaffer, Schmidt, Niehaus, McGregor, Seitz, Gilb, Collier, Willamowski, Harwood, Book.

To amend sections 1702.01, 1702.02, 1702.08, 1702.11, 1702.17, 1702.18, 1702.19, 1702.20, 1702.22, 1702.25, 1702.27, 1702.31, 1702.33, 1702.38, 1702.39, 1702.42, 1702.47, and 1702.58 of the Revised Code relating to the use of authorized communications equipment, including electronic or telephonic transmissions, in certain meetings and votings of nonprofit corporations and the authority to take action on behalf of a nonprofit corporation without a meeting of incorporators, directors, or members, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 92, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen Aslanides Barrett Beatty Blasdel Boccieri Book Brinkman

Brown Buehrer Callender Calvert Carano Carmichael Cates Chandler Cirelli Clancy Collier Combs Core Daniels DeBose DeGeeter DeWine Distel Domenick Driehaus Evans D. Faber Fessler Evans C. Flowers Gibbs Gilb Grendell Hagan Hartnett Harwood Hollister Hoops Hughes Husted Kearns Key Kilbane Koziura Latta Martin Mason McGregor Miller Niehaus Oelslager Olman Otterman Patton T. Perry Peterson Price Raussen Reidelbach Reinhard Raga Schaffer Schlichter Schmidt Schneider Skindell Seaver Seitz Setzer Slaby Smith S. Stewart D. Stewart J. **Taylor** Trakas Strahorn Sykes Ujvagi Wagner Walcher Webster White Widener Widowfield Willamowski Wilson Wolpert Yates Householder-92.

The bill passed.

Representative Schaffer moved to amend the title as follows:

Add the names: "Allen, Barrett, Beatty, Buehrer, Carano, Cirelli, DeBose, Domenick, Driehaus, C. Evans, D. Evans, Flowers, Hagan, Hoops, Hughes, Kearns, Key, Latta, Olman, Otterman, T. Patton, Perry, Price, Raussen, Reidelbach, Setzer, Slaby, D. Stewart, J. Stewart, Sykes."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 493-Representatives Hoops, Husted, J. Stewart, Aslanides, C. Evans, T. Patton, Willamowski, Latta, Seitz, Raga, Schaffer, Flowers, Setzer, G. Smith, Kearns, McGregor, Hughes, Schmidt, Ujvagi, D. Evans, Combs, Faber, Widener, Taylor, Schlichter, Slaby, Widowfield, Wolpert, Carmichael, Collier, Hartnett, Skindell, Carano, S. Patton, Miller, Seaver, Perry, Cirelli, Chandler, Otterman, Beatty, Brown, D. Stewart, Key, Mason.

To enact section 5.2227 of the Revised Code designating the fourth week of September as "Parent's Week," was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Hoops moved to amend as follows:

In line 4, delete "5.2227" and insert "5.2229"
In line 6, delete "5.2227" and insert "5.2229"
In line 1 of the title, delete "5.2227" and insert "5.2229"

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 92, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen Aslanides Barrett Beatty Book Brinkman Blasdel Boccieri Brown Buehrer Callender Calvert Chandler Carano Carmichael Cates Cirelli Clancy Collier Combs DeBose DeGeeter Core Daniels DeWine Distel Domenick Driehaus Evans C. Evans D. Faber Fessler Flowers Gibbs Gilb Grendell Harwood Hollister Hagan Hartnett Hughes Husted Kearns Hoops Kilbane Koziura Key Latta Martin Mason McGregor Miller Niehaus Oelslager Olman Otterman Patton T. Perry Peterson Price Reidelbach Reinhard Raga Raussen Schaffer Schlichter Schmidt Schneider Skindell Seaver Seitz Setzer Smith S. Stewart D. Stewart J. Slaby Strahorn Sykes Taylor Trakas Ujvagi Wagner Walcher Webster Willamowski Widener Widowfield White Wilson Wolpert Householder-92. Yates

The bill passed.

Representative Hoops moved to amend the title as follows:

Add the names: "Allen, Barrett, Calvert, Clancy, Daniels, DeBose, DeGeeter, Domenick, Gibbs, Gilb, Harwood, Martin, Niehaus, Olman, Price, Reidelbach, S. Smith, Strahorn, Walcher, Wilson."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 494-Representatives Wagner, Seitz, Chandler, Buehrer, Webster, Fessler, Kearns, Aslanides, Widener.

To amend section 2743.02 of the Revised Code to allow a state officer or employee who in a civil action is alleged to lack immunity from personal liability to participate fully in proceedings to determine whether the officer or employee is entitled to personal immunity, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 92, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen Aslanides Barrett Beatty Blasdel Boccieri Book Brinkman Brown Buehrer Callender Calvert Carano Carmichael Cates Chandler Collier Combs Cirelli Clancy Core Daniels DeBose DeGeeter DeWine Distel Domenick Driehaus Evans C. Evans D. Faber Fessler Gilb Grendell Flowers Gibbs Harwood Hollister Hagan Hartnett Hoops Hughes Husted Kearns Key Kilbane Koziura Latta Martin Mason McGregor Miller Niehaus Oelslager Olman Otterman Patton T. Perry Peterson Price Raga Raussen Reidelbach Reinhard Schaffer Schlichter Schmidt Schneider Seaver Seitz Setzer Skindell Slaby Smith S. Stewart D. Stewart J. Strahorn Sykes Taylor Trakas Ujvagi Wagner Walcher Webster White Widener Widowfield Willamowski Wilson Wolpert Yates Householder-92.

The bill passed.

Representative Wagner moved to amend the title as follows:

Add the names: "Carano, Clancy, Domenick, C. Evans, Faber, Flowers, Gilb, Hartnett, Harwood, Hughes, Latta, Olman, Otterman, Reidelbach, Schaffer, Schneider, Slaby, J. Stewart, Taylor, Walcher."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 525-Representatives Latta, Faber, McGregor, Hughes, Slaby, Gilb, Schmidt, Jerse, Willamowski, D. Evans.

To amend sections 109.573, 313.08, 2152.74, 2743.191, 2901.07, 2953.73, 2953.82, and 5120.021 of the Revised Code to require DNA specimen collection from delinquent children and criminal offenders for all felonies; to make other changes relating to the collection and use of DNA specimens; to extend for one year the period of time for certain inmates to request DNA testing; and to clarify the applicability of the provisions of Chapter 5120. of the Revised Code to offenders who committed their offense prior to July 1, 1996, and to those who committed their offense on or after that date, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 89, nays 2, as follows: Those who voted in the affirmative were: Representatives

Aslanides Barrett Beatty Blasdel Boccieri Book Brinkman Calvert Brown Buehrer Carano Carmichael Cates Chandler Cirelli Clancy Collier Combs Core DeBose DeGeeter DeWine Daniels Distel Domenick Driehaus Evans C. Evans D. Faber Flowers Gibbs Gilb Grendell Hagan Hartnett Harwood Hollister Hoops Hughes Husted Kearns Key Kilbane Koziura Latta Martin Mason Miller McGregor Niehaus Oelslager Patton T. Olman Otterman Perry Peterson Price Raga Raussen Reidelbach Reinhard Schaffer Schlichter Schmidt Schneider Seaver Seitz Skindell Slaby Smith S. Setzer Stewart D. Stewart J. Strahorn **Taylor** Trakas Ujvagi Wagner Walcher Widener Webster White Widowfield Wolpert Willamowski Wilson Yates Householder-89.

Representatives Callender and Fessler voted in the negative-2.

The bill passed.

Representative Latta moved to amend the title as follows:

Add the names: "Aslanides, Book, Buehrer, Cirelli, Clancy, Collier, Daniels, DeBose, DeGeeter, Domenick, C. Evans, Flowers, Gibbs, Hagan, Harwood, Hoops, Koziura, Martin, Niehaus, Otterman, T. Patton, Perry, Raussen, Reidelbach, Reinhard, Schaffer, Schlichter, Schneider, Seitz, Setzer, Strahorn, Trakas, Wagner, Webster, Widener."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 552- Speaker Householder, Representatives Redfern, Walcher, Flowers, Husted, Miller, Reidelbach, Allen, Cates, C. Evans, J. Stewart, Calvert, DeBose, Olman, McGregor, Faber, Daniels, Aslanides, DeWine, Carano, Hoops, Distel, Perry, Hartnett, Fessler, Carmichael, Raga, Schaffer, Reinhard, Hollister, Wolpert, T. Patton, Schlichter, Kearns, Wagner, Setzer, Hagan, Brown, Schmidt, Gibbs, Blasdel, Schneider, Webster, Latta, Combs, Seitz, Collier, Widener, Harwood, S. Smith, G. Smith, Clancy, Peterson.

To enact section 5.014 of the Revised Code to establish a recommended procedure for folding the state flag, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 92, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen Aslanides Barrett Beatty Boccieri Book Brinkman Blasdel Brown Buehrer Callender Calvert Chandler Carano Carmichael Cates Cirelli Clancy Collier Combs Daniels DeBose DeGeeter Core DeWine Domenick Distel Driehaus Evans D. Faber Evans C. Fessler Flowers Gibbs Gilb Grendell Hartnett Harwood Hollister Hagan Hughes Husted Kearns Hoops Kilbane Koziura Key Latta Martin Mason McGregor Miller Niehaus Oelslager Olman Otterman Patton T. Perry Peterson Price Raussen Reidelbach Reinhard Raga Schaffer Schlichter Schmidt Schneider Setzer Skindell Seaver Seitz Slaby Smith S. Stewart D. Stewart J. Strahorn Sykes **Taylor** Trakas Ujvagi Wagner Walcher Webster Willamowski White Widener Widowfield Wilson Wolpert Yates Householder-92.

The bill passed.

Representative Carmichael moved to amend the title as follows:

Add the names: "Barrett, Beatty, Boccieri, Book, Buehrer, Cirelli, Core, D. Evans, Gilb, Grendell, Hughes, Key, Kilbane, Niehaus, Otterman, Raussen, Seaver, Slaby, Taylor, Willamowski."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 557-Representatives Carmichael, Flowers, Schaffer, Husted, T. Patton, Hartnett, McGregor, Redfern, Niehaus, Hagan, Ujvagi, Seitz, Oelslager, DeWine, Carano, C. Evans, Hoops, D. Evans, Reidelbach, Harwood, Daniels, Kearns, Schmidt, Allen, Strahorn, Willamowski, Blasdel, Hughes, Setzer, Webster, D. Stewart, Buehrer, Brown, Mason.

To enact section 5.2228 of the Revised Code to designate September as "Leukemia, Lymphoma, and Myeloma Awareness Month," was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 91, nays 0, as follows: Those who voted in the affirmative were: Representatives

Allen Aslanides Barrett Beatty Blasdel Boccieri Book Brinkman Callender Calvert Brown Buehrer Carano Carmichael Cates Chandler Cirelli Clancy Collier Combs Daniels DeBose DeGeeter Core DeWine Distel Domenick Driehaus Evans C. Evans D. Faber Flowers Gilb Grendell Hagan Gibbs Hartnett Harwood Hollister Hoops Hughes Husted Kearns Key Kilbane Koziura Latta Martin Miller Niehaus Mason McGregor Oelslager Patton T. Olman Otterman Perry Peterson Price Raga Raussen Reidelbach Reinhard Schaffer Schlichter Schmidt Schneider Seaver Skindell Slaby Seitz Setzer Smith S. Stewart D. Stewart J. Strahorn Sykes **Taylor** Trakas Ujvagi Walcher White Wagner Webster Widener Widowfield Willamowski Wilson Householder-91. Wolpert Yates

The bill passed.

Representative Carmichael moved to amend the title as follows:

Add the names: "Aslanides, Barrett, Boccieri, Book, Callender, Calvert, Chandler, Cirelli, Clancy, Collier, DeBose, DeGeeter, Distel, Domenick, Driehaus, Faber, Gibbs, Gilb, Grendell, Key, Latta, Martin, Miller, Olman, Otterman, Perry, Peterson, Price, Raga, Reinhard, Schlichter, Schneider, Skindell, Slaby, J. Stewart, Sykes, Taylor, Walcher, Widener, Wilson, Wolpert."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 568-Representatives White, Clancy, Flowers, DeWine, Peterson, Brown.

To amend sections 101.83, 101.84, 101.85, 101.86, 122.011, 122.133, 123.151, 149.56, 164.07, 307.674, 340.02, 1501.04, 1502.04, 1502.05, 1502.11, 1502.12, 1506.30, 1506.34, 1506.35, 1517.02, 1517.05, 1517.23, 1518.01, 1518.03, 2505.02, 3358.10, 3375.61, 3375.62, 3383.01, 3383.02, 3383.04, 3383.05, 3383.06, 3383.07, 3383.08, 3383.09, 3746.04, 3746.09, 3746.35, 3747.02, 3748.01, 3748.02, 3748.04, 3748.05, 3748.16, 3929.482, 3929.682, 3929.85, 3931.01, 3955.05, 3960.06, 4117.01, 4121.442,

4167.09, 4167.25, 4167.27, 4582.12, 4731.143, 4741.03, 4755.481, 4981.03, 5123.35, and 5123.352 and to repeal sections 122.09, 125.24, 149.32, 149.321, 149.322, 1502.10, 1506.37, 1517.03, 1517.04, 3354.161, 3355.121, 3357.161, 3375.47, 3746.08, 3747.04, 3747.05, 3747.06, 3747.061, 3747.07, 3747.08, 3747.09, 3747.10, 3747.11, 3747.12, 3747.13, 3747.14, 3747.15, 3747.16, 3747.17, 3747.18, 3747.19, 3747.20, 3747.21, 3747.22, 3748.09, 3929.71, 3929.72, 3929.721, 3929.73, 3929.75, 3929.76, 3929.77, 3929.78, 3929.79, 3929.80, 3929.81, 3929.82, 3929.83, 3929.84, 4121.443, 4167.26, 4981.36, 4981.361, 5101.93, 5119.81, 5119.82, and 5123.353 of the Revised Code, and to repeal Section 6 of Am. Sub. S.B. 163 of the 124th General Assembly, Section 6 of Sub. S.B. 27 of the 124th General Assembly, Section 10 of Sub. H.B. 548 of the 123rd General Assembly, Section 3 of Am. H.B. 280 of the 121st General Assembly, Section 27 of Sub. H.B. 670 of the 121st General Assembly, Section 3 of Am. S.B. 208 of the 120th General Assembly, and Section 3 of Sub. H.B. 508 of the 119th General Assembly, to implement the report of the Sunset Review Committee by abolishing, retaining, and changing the names of various agencies and by reestablishing the Sunset Review Committee but postponing its operation until the 128th General Assembly, to terminate the operation of certain provisions of this act on December 31, 2010, by repealing sections 101.82, 101.83, 101.84, 101.85, 101.86, and 101.87 of the Revised Code on 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?" The yeas and nays were taken and resulted - yeas 87, nays 4, as follows: Those who voted in the affirmative were: Representatives

Allen Aslanides Barrett Beatty Blasdel Boccieri Book Brown Buehrer Calvert Carano Carmichael Chandler Cirelli Cates Clancy Collier Combs Core Daniels DeBose DeGeeter DeWine Distel Domenick Driehaus Evans C. Evans D. Faber Flowers Gibbs Gilb Harwood Grendell Hartnett Hagan Hollister Hoops Hughes Husted Key Kilbane Koziura Kearns Latta Martin Mason McGregor Miller Niehaus Oelslager Olman Otterman Patton T. Perry Peterson Price Raga Raussen Reidelbach Reinhard Schaffer Schlichter Schmidt Schneider Seaver Seitz Setzer Skindell Slaby Stewart D. Stewart J. Sykes Taylor Trakas Ujvagi Wagner Walcher White Webster Widener Widowfield Willamowski Wilson Householder-87. Wolpert Yates

Representatives Brinkman, Callender, Smith S., and Strahorn voted in the negative-4.

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 89, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Allen Aslanides Barrett Blasdel Boccieri Book Brinkman Brown Callender Calvert Buehrer Carano Chandler Carmichael Cates Cirelli Clancy Collier Combs Core Daniels DeBose DeGeeter DeWine Domenick Distel Driehaus Evans C. Evans D. Faber Flowers Gibbs Gilb Grendell Hagan Hartnett Harwood Hollister Hoops Hughes Husted Kearns Key Kilbane Martin Koziura Latta Mason McGregor Miller Niehaus Oelslager Olman Otterman Patton T. Perry Peterson Price Raga Raussen Reidelbach Reinhard Schaffer Schlichter Schmidt Schneider Seaver Seitz Setzer Skindell Slaby Stewart D. Stewart J. Taylor Strahorn Sykes Walcher Trakas Ujvagi Wagner Webster White Widener Widowfield Willamowski Wilson Wolpert Yates Householder-89.

Representatives Beatty and Smith S. voted in the negative-2.

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

Representative White moved to amend the title as follows:

Add the names: "Blasdel, Buehrer, Carano, Collier, Domenick, C. Evans, D. Evans, Gilb, Hollister, Hoops, Niehaus, Otterman, Raga, J. Stewart, Wagner, Webster."

Remove the name: "Brown."

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 insists

on its amendments to

Sub. H. B. No. 322 - Representative Widener,. et al.

and asks for a Committee of Conference.

Attest: Matthew T. Schuler, Clerk.

MESSAGE FROM THE SPEAKER

The Speaker hereby appoints the following members of the House to the Committee of Conference on matters of difference between the two houses on Sub. H.B. No. 322 - Representative Widener, et al:

Representatives Widener, Taylor, and Otterman.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has adopted the following concurrent resolution in which the concurrence of the House is requested:

S. C. R. No. 33 - Senators Stivers, Randy Gardner, Armbruster, Goodman, Harris, Amstutz, Miller, Padgett, Hagan, Fedor

To create the Task Force for Preserving Adult Vision.

Attest: Matthew T. Schuler,
Clerk.

Said concurrent resolution was referred to the committee on Rules and Reference under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has adopted the following concurrent resolution in which the concurrence of the House is requested:

S. C. R. No. 37 - Senators Spada, Amstutz, Armbruster, Austria, Blessing, Brady, Carey, Carnes, Coughlin, Dann, DiDonato, Fedor, Fingerhut,

Goodman, Hagan, Harris, Hottinger, Jacobson, Jordan, Mallory, Miller, Mumper, Nein, Padgett, Prentiss, Randy Gardner, Robert Gardner, Roberts, Schuler, Schuring, Stivers, Wachtmann, White, Zurz

To proclaim the month of November as "National Alzheimer's Disease Awareness Month."

Attest:

Matthew T. Schuler,

Clerk.

Said concurrent resolution was referred to the committee on Rules and Reference under the Rule.

Message from the Senate

Mr. Speaker:

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

Sub. S. B. No. 196 - Senators Wachtmann, Blessing, Fedor, Dann

To amend section 4729.01 of the Revised Code regarding the compounding of drugs by pharmacists.

Attest:

Matthew T. Schuler,

Clerk.

Said bill was considered the first time.

On motion of Representative Cates, the House adjourned until Thursday, November 18, 2004 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,

Clerk.