OHIO House of Representatives JOURNAL

WEDNESDAY, DECEMBER 1, 2004

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

The House met pursuant to adjournment.

Prayer was offered by Representative Jim McGregor-20th district, 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:

Greg Andrulis and Robin Fraser received House Resolutions 282 and 283 respectively, presented by Representatives Schaffer-5th district, Husted-37th district, and Hughes-22nd district.

Students from the 2005 LSC intern class, guests of Speaker Householder-91st district.

Brian and Steve Boyer, guests of Representative Carmichael-3rd district.

Angie Wilson and Debbie Bibler, guests of Representative Schmidt-66th district.

Cooke Metzger, a guest of Representative Schlichter-85th district.

Teresa Robinson, a guest of Representative Niehaus-88th district.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Am. Sub. H. B. No. 175**-Representative Buehrer, et al., were taken up for consideration.

Am. Sub. H. B. No. 175-Representatives Buehrer, Widener, Olman, D. Evans, Kilbane, Hagan, Taylor, Flowers, Hughes, Martin, Schaffer, Setzer. -Senators Mumper, Wachtmann, Blessing, Armbruster.

To amend sections 307.37, 307.38, 307.381, 307.40, 505.73, 505.75, 505.76, 505.77, 505.78, 3703.01, 3722.02, 3722.041, 3781.01, 3781.03, 3781.031, 3781.06, 3781.10, 3781.102, 3781.11, 3781.12, 3781.13, 3781.18, 3781.183, 3781.99, 3791.04, 3791.042, 3791.99, 4703.18, 4733.18, 4740.01, 4929.03, 4929.04, and 4929.09, to enact sections 1312.01 to 1312.08 and 4740.14, and to repeal sections 3781.181, 3781.182, 3781.21, and 4933.31 of the Revised Code to establish a state residential building code, to make other changes in the laws governing residential construction, and to establish a "right to cure" procedure under which a residential contractor may cure a defect prior to an owner commencing arbitration proceedings or a civil action.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 76, nays 12, as follows: Those who voted in the affirmative were: Representatives

Aslanides Barrett Beatty Blasdel Boccieri Book Buehrer Carmichael Callender Calvert Carano Cates Chandler Clancy Collier Combs Core Daniels DeWine Driehaus Evans C. Distel Domenick Evans D. Faber Flowers Gibbs Gilb Hagan Hartnett Harwood Hollister Husted Hoops Hughes Kearns Kilbane Koziura Latta Martin McGregor Niehaus Oelslager Olman Otterman Perry Peterson Reidelbach Raga Raussen Redfern Reinhard Schaffer Schlichter Schmidt Schneider Seaver Seitz Setzer Skindell Smith G. Stewart D. Sferra Stewart J. Taylor Ujvagi Walcher Widowfield Webster Widener Willamowski Wilson Wolpert Yates Householder-76.

Those who voted in the negative were: Representatives

Brinkman	DeGeeter	Fessler	Grendell
Jerse	Key	Mason	Miller
Patton T.	Strahorn	Trakas	Wagner-12.

The Senate amendments were concurred in.

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The Senate amendments to **Sub. H. B. No. 184**-Representative Schmidt, et al., were taken up for consideration.

Sub. H. B. No. 184-Representatives Schmidt, McGregor, Aslanides, Schaffer, Schneider, Raussen, Gilb, Collier, Willamowski, Latta, D. Evans, Callender, Carmichael, Cates, Chandler, Clancy, Daniels, Domenick, C. Evans, Flowers, Grendell, Hartnett, Hoops, Hughes, Jerse, Jolivette, Martin, Niehaus, Otterman, T. Patton, Raga, Reidelbach, Schlichter, Seaver, Seitz, Sferra, G. Smith, J. Stewart, Taylor, Wagner, Webster, Widener, Widowfield. -Senators Goodman, Austria, Hottinger, Jacobson, Robert Gardner, Mumper, White.

To amend sections 2929.03 and 2929.06 of the Revised Code to permit the imposition of a sentence of life imprisonment without parole, life imprisonment with parole eligibility after serving 25 full years of imprisonment, or life imprisonment with parole eligibility after serving 30 full years of imprisonment when an offender is convicted of or pleads guilty to aggravated murder and is not charged with or convicted of an aggravating circumstance and to clarify and revise the procedures that govern the resentencing of a person sentenced to death whose sentence is set aside,

nullified, or vacated.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 62, nays 26, as follows:

Those who voted in the affirmative were: Representatives

Aslanides Blasdel Boccieri Book Buehrer Callender Calvert Carmichael Cates Collier Combs Core Daniels DeWine Distel Domenick Evans C. Evans D. Faber Fessler Flowers Gibbs Gilb Grendell Hagan Hollister Hoops Hughes Kilbane Husted Kearns Latta Martin McGregor Niehaus Oelslager Olman Peterson Otterman Perry Raga Reidelbach Reinhard Schaffer Schlichter Schneider Schmidt Seaver Seitz Setzer Smith G. Stewart J. **Taylor** Wagner Walcher Webster Widowfield Willamowski Widener Wilson Householder-62. Wolpert

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Brinkman
Carano	Chandler	Clancy	DeGeeter
Driehaus	Hartnett	Harwood	Jerse
Key	Koziura	Mason	Miller
Patton T.	Raussen	Redfern	Sferra
Skindell	Stewart D.	Strahorn	Trakas
Ujvagi			Yates-26.

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 200**-Representative Willamowski, et al., were taken up for consideration.

Sub. H. B. No. 200-Representatives Willamowski, Schneider, Otterman, S. Patton, Flowers, Hagan, Price, Reidelbach, Schmidt, Beatty, Carano, Chandler, Cirelli, Clancy, Daniels, DePiero, Distel, Domenick, C. Evans, Hartnett, Harwood, Hollister, Hughes, Jolivette, Key, McGregor, Niehaus, T. Patton, Perry, Raussen, Redfern, Schaffer, Schlichter, Seitz, Sferra, J. Stewart, Sykes, Wagner, Widener, Widowfield.

To amend sections 311.17, 3121.03, 3121.0310, 3121.091, 3121.59, 3121.64, 3121.89, 3121.891, 3121.892, 3121.893, 3121.894, 3121.895, 3121.897, 3121.898, 3121.899, 3121.8910, and 3123.021, to enact new section 3121.896 and section 3125.141, and to repeal sections 3121.60, 3121.63, and 3121.896 of the Revised Code regarding the enforcement of child support orders and to declare an emergency.

The question being, "Shall the emergency clause stand as part of the bill?" The yeas and nays were taken and resulted - yeas 71, nays 17, as follows:

Those who voted in the affirmative were: Representatives

Aslanides Barrett Beatty Blasdel Boccieri Book Carano Carmichael Clancy Cates Chandler Collier Combs Daniels DeGeeter Core DeWine Distel Domenick Evans C. Evans D. Flowers Gibbs Gilb Hartnett Harwood Hoops Hagan Hughes Husted Key Kearns McGregor Kilbane Latta Martin Miller Niehaus Oelslager Olman Otterman Patton T. Peterson Perry Raussen Reidelbach Reinhard Raga Schaffer Schlichter Schmidt Schneider Seaver Seitz Setzer Smith G. Stewart J. Strahorn **Taylor** Trakas Uivagi Wagner Walcher Webster Widener Widowfield Willamowski Wilson Householder-71. Wolpert Yates

Those who voted in the negative were: Representatives

Brinkman Buehrer Callender Calvert Driehaus Faber Fessler Grendell Hollister Jerse Koziura Mason Redfern Sferra Skindell Stewart D.-17.

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

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 88, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Aslanides Allen Barrett Beatty Blasdel Boccieri Book Brinkman Buehrer Calvert Callender Carano Chandler Carmichael Cates Clancy Collier Combs Core Daniels DeGeeter DeWine Distel Domenick Driehaus Evans C. Evans D. Faber Gibbs Gilb Fessler Flowers Grendell Hagan Hartnett Harwood Hollister Hughes Husted Hoops Jerse Kearns Key Kilbane Koziura Latta Martin Mason McGregor Miller Niehaus Oelslager Olman Otterman Patton T. Perrv Peterson Raga Raussen Redfern

Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seaver	Seitz
Setzer	Sferra	Skindell	Smith G.
Stewart D.	Stewart J.	Strahorn	Taylor
Trakas	Ujvagi	Wagner	Walcher
Webster	Widener	Widowfield	Willamowski
Wilson	Wolpert	Yates	Householder-88.

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 231**-Representative Niehaus, et al., were taken up for consideration.

Sub. H. B. No. 231-Representatives Niehaus, Seitz, McGregor, Barrett, Kearns, Husted, Setzer, Collier, Webster, Carano, Allen, Aslanides, Carmichael, Strahorn, Daniels, Domenick, Flowers, Hollister, Otterman, T. Patton, Wolpert. -Senators Spada, Robert Gardner.

To amend sections 307.37, 319.281, 521.01, 711.05, 711.10, 711.131, 3701.83, 3709.085, 3709.09, 3709.091, 4736.01, 5302.30, 6111.04, and 6111.44 and to enact sections 3718.01, 3718.02, 3718.021, 3718.03 to 3718.10, 3718.99, and 6111.441 of the Revised Code to require the Public Health Council to adopt rules governing household sewage treatment systems and small flow on-site sewage treatment systems, to define and authorize boards of health to regulate small flow on-site sewage treatment systems, to create the Sewage Treatment System Technical Advisory Committee to advise the Director of Health on the approval or disapproval of new systems, to require the transferor of real property that is served by a sewage treatment system to provide on the real property disclosure form a statement that operation and maintenance information on the system is available from the Department of Health or the local board of health of the health district in which the system is located, and to establish other requirements governing sewage treatment systems.

The question being, "Shall the Senate amendments be concurred in?"
The yeas and nays were taken and resulted - yeas 61, nays 27, as follows:
Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Boccieri	Book	Carano
Carmichael	Cates	Chandler	Clancy
Collier	Combs	Core	Daniels
DeGeeter	DeWine	Domenick	Driehaus
Evans D.	Flowers	Hagan	Hollister
Hughes	Husted	Kearns	Key
Kilbane	Koziura	Latta	Martin
Mason	McGregor	Miller	Niehaus
Olman	Otterman	Patton T.	Perry
Peterson	Raussen	Redfern	Reidelbach

Schmidt Seitz Schlichter Schneider Stewart D. Setzer Skindell Smith G. Strahorn Ujvagi Wagner Walcher Webster Willamowski Wolpert Yates

Householder-61.

Those who voted in the negative were: Representatives

Brinkman Buehrer Callender Calvert Distel Evans C. Faber Fessler Gilb Grendell Gibbs Hartnett Hoops Jerse Harwood Oelslager Reinhard Schaffer Seaver Raga Sferra Stewart J. **Taylor** Trakas Wilson-27. Widener Widowfield

The Senate amendments were concurred in.

REPORTS OF CONFERENCE COMMITTEES

Representative Widener submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on Sub. H.B. 322, Representative Widener - et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the Senate with the following amendments:

In lines 12 and 220, after "sections," insert "4703.02, 4703.13, 4703.33, 4703.36,"; after "4733.15" insert a comma

Between lines 14 and 15, insert:

"Sec. 4703.02. The state board of examiners of architects shall organize by electing from its membership a president and a secretary, and also a vice-president and an assistant secretary, who shall act during absence or disability of the president or secretary respectively.

The board shall adopt all necessary rules, regulations, and bylaws, not inconsistent with sections 4703.01 to 4703.19 of the Revised Code, and the constitutions and laws of this state or of the United States, to govern its times and places of meeting for organization and reorganization, for the holding of examinations, and for fixing the length of the term of its officers. The board, under Chapter 119. of the Revised Code, may adopt, promulgate, and enforce rules governing the standards of education, service, conduct, and practice to be followed in the practice of the profession of architecture in the state, including rules for the enforcement of sections 4703.01 to 4703.19 of the Revised Code. The board shall include among the rules adopted governing the standardstandards

of practice, requirements regarding financial responsibility and professional liability insurance. The board may adopt rules pertaining to the satisfactory completion of continuing education requirements.

If the board adopts rules pertaining to continuing education requirements, the board shall specify in the rules that the continuing education requirements may be satisfied by coursework or activities dealing with technical, ethical, or managerial topics relevant to the practice of architecture and that a registrant may earn continuing professional education hours by completing or teaching university or college level coursework; attending seminars, workshops, or conferences; authoring relevant published papers, articles, or books; receiving patent awards; actively participating in professional or technical societies serving the architecture profession, or actively participating in any other activity deemed relevant by the board shall, in general, follow model continuing education recommendations established by the national council of architectural registration boards or a similar successor organization.

The board shall hold examinations not less than once annually, and shall issue to each successful applicant a certificate of qualification to practice architecture, and shall impress on each certificate issued the seal of the board.

The secretary of the board shall be responsible for keeping a true and complete record of all proceedings of the board. The board may employ an executive secretary, investigators, and such clerical assistance as it determines necessary.

- **Sec. 4703.13.** (A) Each architect holding who holds a certificate of qualification under sections 4703.01 to 4703.19 of the Revised Code and who desires to continue the practice of architecture shall, before or during the month of December of each odd-numbered year, make application, together with the renewal fee provided in section 4703.16 of the Revised Code, for a renewal of the certificate, and demonstrate satisfactory completion of any applicable continuing education requirements adopted by the state board of examiners of architects under section 4703.02 of the Revised Code. The renewal shall be pursuant to the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code, except that renewal is required in each odd-numbered year instead of annually. Each certificate shall be renewed for a term of two years, and the renewal shall be recorded in the official register of the board.
- (B) Each holder of a certificate of authorization to provide architectural services shall, before or during the month of each June preceding the year the holder desires to continue to provide architectural services, make application, together with the renewal fee provided in section 4703.16 of the Revised Code, for a renewal of the certificate. Each certificate shall be renewed for a term of one year except as provided in section 4703.12 of the Revised Code.
- **Sec. 4703.33.** (A) The state board of landscape architect examiners, in accordance with Chapter 119. of the Revised Code, may adopt, amend, and enforce rules governing the standards for education, experience, services,

conduct, and practice to be followed in the practice of the profession of landscape architecture in accordance with Chapter 119. of the Revised Code and rules pertaining to the satisfactory completion of continuing education requirements. If the board adopts rules pertaining to continuing education requirements, the board shall specify in the rules that the continuing education requirements may be satisfied by coursework or activities dealing with technical, ethical, or managerial topics relevant to the practice of landscape architecture and that a registrant may earn continuing professional education hours by completing or teaching university or college level coursework; attending seminars, workshops, or conferences; authoring relevant published papers, articles, or books; receiving patent awards; actively participating in professional or technical societies serving the landscape architecture profession, or actively participating in any other activity deemed relevant by the board. If the board adopts rules pertaining to continuing education requirements, the board shall, in general, follow model continuing education recommendations established by the council of landscape architectural registration boards or a similar successor organization.

- (B) The board shall hold examinations not less than once annually and shall register as a landscape architect each applicant who demonstrates to the satisfaction of the board that the applicant has met all the requirements of section 4703.34 of the Revised Code.
- (C) The board shall issue to each individual registered pursuant to this section a certificate of qualification.
- (D) The board shall appoint at least one of its members as a delegate to each regional and annual meeting of the council of landscape architectural registration boards.
- **Sec. 4703.36.** (A) The state board of landscape architect examiners shall register as a landscape architect each applicant who demonstrates to the satisfaction of the board that the applicant has met all requirements of section 4703.34 of the Revised Code or, in lieu thereof, has complied with section 4703.35 of the Revised Code. The certificate issued to each individual shall be prima-facie evidence of the right of the individual to whom it is issued to represent self as a landscape architect and to enter the practice of landscape architecture, subject to sections 4703.30 to 4703.49 of the Revised Code.
- (B) Each certificate of qualification issued and registered shall authorize the holder to practice landscape architecture as a landscape architect in this state until the last day of October of each odd-numbered calendar year, unless revoked or suspended for cause as provided in this chapter or suspended pursuant to section 3123.47 of the Revised Code. License renewal shall be conducted in accordance with the standard license renewal procedure in Chapter 4745. of the Revised Code. Each applicant for license renewal shall demonstrate satisfactory completion of any continuing education requirements the state board of landscape architect examiners adopts under section 4703.33 of the Revised Code. Each renewal shall be recorded in the official register of the board.
 - (C) Each person registered by the board shall secure a seal of the design

prescribed by the board. All plans, specifications, drawings, and other documents prepared by, or under the direct supervision of, the landscape architect shall be imprinted with the seal in accordance with the requirements of the board.

(D) Each certificate of authorization issued under division (F) of section 4703.331 of the Revised Code shall authorize the holder to provide landscape architectural services, through the landscape architect designated as being in responsible charge of the landscape architectural activities and decisions, from the date of issuance until the last day of June next succeeding the date upon which the certificate was issued unless the certificate has been suspended or revoked for cause as provided in section 4703.42 of the Revised Code."

In line 1 of the title, after "sections," insert "4703.02, 4703.13, 4703.33, 4703.36,"; after "4733.15" insert a comma

In line 8 of the title, delete "and"

In line 11 of the title, after "business" insert ", and to authorize the State Board of Examiners of Architects and the State Board of Landscape Architect Examiners to adopt rules pertaining to continuing education requirements"

Managers on the Part of the House of Representatives

S/ CHRIS WIDENER CHRIS WIDENER MARY TAYLOR

MARY TAYLOR

<u>ROBERT J. OTTERMAN</u>
ROBERT J. OTTERMAN

Managers on the Part of the Senate

S/ KEVIN J. COUGHLIN KEVIN J. COUGHLIN

/S/ JAY HOTTINGER JAY HOTTINGER

S/ RAY MILLER RAY MILLER

12/01/04

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 the report of the committee of conference on **Sub. H.B. No. 322** - Representative Widener, et al., be cause it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ TIM SCHAFFER State Representative Tim Schaffer 5th House District

The request was granted.

The question being, "Shall the report of the committee of Conference be

agreed to?"

The yeas and nays were taken and resulted - yeas 83, nays 4, as follows:

Those who voted in the affirmative were: Representatives

Allen Aslanides Barrett Beatty Blasdel Boccieri Book Buehrer Callender Calvert Carano Carmichael Chandler Cates Clancy Collier Combs Core Daniels DeGeeter DeWine Distel Domenick Driehaus Evans D. Evans C. Faber Flowers Gibbs Gilb Hagan Grendell Hartnett Harwood Hollister Hoops Hughes Husted Kearns Jerse Key Kilbane Koziura Latta Miller Martin Mason McGregor Niehaus Oelslager Olman Otterman Patton T. Perry Peterson Raga Reidelbach Redfern Reinhard Schlichter Schmidt Schneider Seaver Seitz Setzer Sferra Skindell Smith G. Stewart D. Stewart J. Strahorn Taylor Trakas Ujvagi Walcher Webster Widowfield Widener Willamowski Wilson Wolpert Yates Householder-83.

Representatives Brinkman, Fessler, Raussen, and Wagner voted in the negative-4.

The report of the committee of Conference was agreed to.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Distel submitted the following report:

The standing committee on Agriculture and Natural Resources to which was referred **Sub. S. B. No. 202**-Senator Mumper, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: MEAT INSPECTN/ANIMAL INJURY/AG EASEMENTS ETC.

Representative Aslanides moved to amend the title as follows:

Add the names: "Representatives Aslanides, Gibbs, C. Evans, Niehaus, Schlichter, Widener."

JIM ASLANIDES

JIM CARMICHAEL

TOM NIEHAUS

CLYDE EVANS

JOHN DOMENICK

BOB GIBBS

CHRIS WIDENER

JOHN SCHLICHTER

CHRIS REDFERN

TODD BOOK

JEFF WAGNER
L. GEORGE DISTEL
ARLENE J. SETZER
STEVE REINHARD
TYRONE K. YATES

JEANINE PERRY STEVE L. DRIEHAUS KATHLEEN WALCHER KEITH L. FABER

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 Agriculture and Natural Resources to which was referred **Sub. S. B. No. 209**-Senator Mumper, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: AUCTIONEER'S LAW - REVISE

Representative Aslanides moved to amend the title as follows:

Add the names: "Representatives Aslanides, Gibbs, Book, Carmichael, Domenick, C. Evans, Niehaus, Schlichter, Setzer, Walcher, Widener."

JIM ASLANIDES
JIM CARMICHAEL
TOM NIEHAUS
TYRONE K. YATES
JEFF WAGNER
JOHN DOMENICK
JEANINE PERRY
STEVE REINHARD
L. GEORGE DISTEL
CHRIS REDFERN

BOB GIBBS
CHRIS WIDENER
JOHN SCHLICHTER
STEVE L. DRIEHAUS
CLYDE EVANS
KEITH L. FABER
TODD BOOK
ARLENE J. SETZER
KATHLEEN WALCHER

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. 516**-Representatives Seitz, McGregor, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: ENVIRONMENTAL CONVENANTS

Representative Seitz moved to amend the title as follows:

Add the names: "Widener, Callender."

WILLIAM J. SEITZ JAMIE CALLENDER CHRIS WIDENER

TIMOTHY J. GRENDELL

SANDRA STABILE HARWOOD JOHN R. WILLAMOWSKI JOYCE BEATTY LANCE T. MASON ROBERT E. LATTA TONY CORE

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 be read by title only and approved:

H.R. No. 278 - 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, 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

HONORING REPRESENTATIVE TOM NIEHAUS ON HIS SERVICE TO THE OHIO HOUSE OF REPRESENTATIVES

H.R. No. 279 - 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, 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

HONORING REPRESENTATIVE DANIEL SFERRA, SR. ON HIS SERVICE TO THE OHIO HOUSE OF REPRESENTATIVES

H.R. No. 280 - 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, 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

HONORING REPRESENTATIVE TIMOTHY J. GRENDELL ON HIS SERVICE TO THE OHIO HOUSE OF REPRESENTATIVES

H.R. No. 281 - 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, 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

HONORING REPRESENTATIVE NANCY P. HOLLISTER ON HER SERVICE TO THE OHIO HOUSE OF REPRESENTATIVES

/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 30, 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 30, 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

S. C. R. No. 32-Senators Spada, Amstutz, Austria, Prentiss, Randy Gardner, Armbruster, Coughlin, DiDonato, Fedor, Fingerhut, Robert Gardner, Harris, Jordan, Mumper, Schuler, Wachtmann, Representatives Beatty, Calvert, T. Patton, Hoops, S. Patton, D. Evans, Trakas, Barrett, Webster, Martin, Strahorn, Miller, Hartnett, Allen, Raga, DeWine, Schlichter, Schmidt, C. Evans, Flowers, Faber, Core.

To encourage the United States Congress to support and fully fund the National Aeronautics and Space Administration's Vision for Space Exploration Program, was taken up for consideration the third time.

The question being, "Shall the concurrent resolution be adopted?" Representative T. Patton moved to amend the title as follows:

Add the names: "Aslanides, Boccieri, Book, Callender, Carano, Carmichael, Chandler, Clancy, Daniels, DeGeeter, Distel, Domenick, Driehaus, Gibbs, Gilb, Grendell, Harwood, Hollister, Hughes, Husted, Jerse, Kilbane, Latta, Mason, Oelslager, Otterman, Perry, Raussen, Redfern, Reinhard, Schaffer, Schneider, Setzer, Sferra, Skindell, G. Smith, D. Stewart, Taylor, Ujvagi, Wagner, Walcher, Widowfield, Willamowski, Wilson, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

The question being, "Shall the concurrent resolution be adopted?"

The yeas and nays were taken and resulted - yeas 88, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Boccieri	Book	Brinkman
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	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
Jerse	Kearns	Key	Kilbane
Koziura	Latta	Martin	Mason
McGregor	Miller	Niehaus	Oelslager
Olman	Otterman	Patton T.	Perry
Peterson	Raga	Raussen	Redfern
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seaver	Seitz
Setzer	Sferra	Skindell	Smith G.

Taylor Stewart D. Stewart J. Strahorn Walcher Trakas Ujvagi Wagner Widowfield Webster Widener Willamowski Wilson Wolpert Yates Householder-88.

The concurrent resolution was adopted.

Sub. S. B. No. 185-Senators Jordan, Robert Gardner, Dann, Schuler, Wachtmann, Brady, Padgett, Harris, Spada, Stivers. -Representatives Gilb, Walcher, DeGeeter, Harwood, Hollister, Reidelbach, Skindell, Slaby, Widowfield, Willamowski.

To amend sections 2111.06, 2151.23, 2151.27, 2151.353, 2151.421, 2152.021, 3109.04, 3109.27, 3109.29, 3109.37, and 5153.122, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 3109.27 (3127.23), 3109.29 (3127.24), and 3109.37 (3127.06), to enact sections 3127.01 to 3127.05, 3127.07 to 3127.11, 3127.15 to 3127.22, 3127.31 to 3127.47, 3127.51, 3127.52, and 3127.53, and to repeal sections 3109.21, 3109.22, 3109.23, 3109.24, 3109.25, 3109.26, 3109.28, 3109.30, 3109.31, 3109.32, 3109.33, 3109.34, 3109.35, and 3109.36 of the Revised Code to repeal the Uniform Child Custody Jurisdiction Act and replace it with the Uniform Child Custody Jurisdiction and Enforcement Act; to clarify the dispositional orders that a juvenile court may issue regarding an adjudicated abused, neglected, or dependent child; to clarify the jurisdiction of the juvenile court; to require that a person accused of child abuse or neglect be informed of the specific complaint or allegation; and to require that caseworkers receive training regarding the constitutional rights of parents, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 87, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen Aslanides Barrett **Beatty** Brinkman Blasdel Boccieri Book Buehrer Callender Calvert Carano Carmichael Cates Chandler Clancy Collier Combs Core Daniels DeWine Domenick DeGeeter Distel Driehaus Evans D. Faber Evans C. Fessler Flowers Gibbs Gilb Grendell Hartnett Harwood Hagan Hollister Hoops Hughes Husted Jerse Kearns Key Kilbane Koziura Latta Martin Mason McGregor Miller Niehaus Oelslager Olman Otterman Patton T. Perry Peterson Raussen Redfern Raga Reidelbach Reinhard Schaffer Schlichter

Schmidt Schneider Seaver Seitz Setzer Skindell Smith G. Stewart D. Taylor Stewart J. Strahorn Trakas Ujvagi Wagner Walcher Webster Widowfield Willamowski Widener Wilson Householder-87. Wolpert Yates

The bill passed.

Representative Gilb moved to amend the title as follows:

Add the names: "Representatives Allen, Aslanides, Barrett, Boccieri, Book, Carano, Carmichael, Chandler, Collier, Distel, Domenick, C. Evans, D. Evans, Hartnett, Hughes, Key, McGregor, Miller, Niehaus, Otterman, Perry, Schmidt, G. Smith, Strahorn, Wolpert."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 509-Representatives Schlichter, J. Stewart, McGregor, Willamowski, Price, Allen, Kearns, Redfern, T. Patton, Hollister, Daniels, Combs, Setzer, Carano, Miller, Hoops, C. Evans, Fessler, Reidelbach, Chandler, Reinhard, Distel.

To amend section 3313.616 of the Revised Code to grant high school diplomas to certain veterans of the Vietnam Conflict, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 87, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Aslanides Allen Barrett **Beatty** Blasdel Boccieri Book Buehrer Calvert Callender Carano Carmichael Chandler Cates 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 Jerse Koziura Kearns Key Kilbane Martin McGregor Latta Mason Miller Niehaus Oelslager Olman Otterman Patton T. Perry Peterson Reidelbach Raga Raussen Redfern Reinhard Schaffer Schlichter Schmidt Schneider Seaver Seitz Setzer Sferra Skindell Smith G. Stewart D. Stewart J. Strahorn **Taylor** Trakas

Ujvagi Wagner Walcher Webster
Widener Widowfield Willamowski Wilson
Wolpert Yates Householder-87.

Representative Brinkman voted in the negative-1.

The bill passed.

Representative Gilb moved to amend the title as follows:

Add the names: "Allen, Aslanides, Barrett, Boccieri, Book, Carano, Carmichael, Chandler, Collier, Distel, Domenick, C. Evans, D. Evans, Hartnett, Hughes, Key, McGregor, Miller, Niehaus, Otterman, Perry, Schmidt, G. Smith, Strahorn, Wolpert."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 510-Representatives Flowers, Willamowski, Husted, J. Stewart, Seitz, Otterman, Skindell, DeGeeter, Faber, Brown, D. Stewart, Cates, Trakas, Key, S. Patton, Buehrer, Carmichael, DeWine.

To enact section 5.2228 of the Revised Code designating September 11 as "Ohio Public Safety Employee Day," was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 88, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen Aslanides Barrett Beatty Blasdel Boccieri Book Brinkman Callender Calvert Buehrer Carano Carmichael Cates Chandler Clancy Collier Combs Core Daniels DeWine Domenick DeGeeter Distel Driehaus Evans C. Evans D. Faber Fessler Flowers Gibbs Gilb Grendell Hagan Hartnett Harwood Hollister Hughes Husted Hoops Kearns Kilbane Jerse Key Koziura Latta Martin Mason McGregor Miller Niehaus Oelslager Olman Otterman Patton T. Perry Redfern Peterson Raga Raussen Reinhard Reidelbach Schaffer Schlichter Schmidt Schneider Seaver Seitz Setzer Sferra Skindell Smith G. Stewart D. Stewart J. Strahorn Taylor Trakas Ujvagi Wagner Walcher Webster Widener Widowfield Willamowski Householder-88. Wilson Wolpert Yates

The bill passed.

Representative Flowers moved to amend the title as follows:

Add the names: "Allen, Aslanides, Barrett, Beatty, Book, Calvert, Chandler, Clancy, Collier, Combs, Core, Daniels, Distel, Domenick, Driehaus, C. Evans, D. Evans, Gibbs, Gilb, Grendell, Hagan, Hartnett, Harwood, Hughes, Koziura, Latta, Martin, Mason, McGregor, Miller, Oelslager, T. Patton, Perry, Raga, Raussen, Reidelbach, Reinhard, Schlichter, Schmidt, Seaver, Setzer, G. Smith, Strahorn, Taylor, Ujvagi, Wagner, Walcher, Webster, Widener, Widowfield, Wilson, Wolpert."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 516-Representatives Seitz, McGregor, Widener, Callender.

To amend sections 123.01, 317.08, 3734.22, 3734.24 to 3734.26, 3737.88, 3737.882, 3745.01, 3746.01, 3746.04, 3746.05, 3746.10, 3746.11, 3746.13, 3746.14, and 3746.171 and to enact sections 5301.80 to 5301.88, 5301.881, and 5301.89 to 5301.92 of the Revised Code to establish environmental covenants as an interest in real property generally arising under an environmental remediation or mitigation project that imposes activity and use limitations on the property, to require the recording of such covenants, and to establish other requirements regarding environmental covenants, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 88, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Aslanides Barrett Beatty Allen Blasdel Book Brinkman Boccieri Buehrer Callender Calvert Carano Carmichael Cates Chandler Clancy Collier Combs Core Daniels DeGeeter **DeWine** Distel Domenick Evans D. Driehaus Evans C. Faber Gilb Fessler Flowers Gibbs Harwood Grendell Hagan Hartnett Husted Hollister Hoops Hughes Kilbane Kearns Jerse Key Koziura Latta Martin Mason McGregor Miller Niehaus Oelslager Olman Otterman Patton T. Perry Peterson Raga Redfern Raussen Reidelbach Reinhard Schaffer Schlichter Schmidt Schneider Seitz Seaver Smith G. Setzer Sferra Skindell Stewart D. Taylor Stewart J. Strahorn Walcher Trakas Uivagi Wagner Webster Widener Widowfield Willamowski Wilson Wolpert Yates Householder-88.

The bill passed.

Representative Seitz moved to amend the title as follows:

Add the names: "Allen, Barrett, Beatty, Boccieri, Calvert, Carano, Carmichael, Chandler, Clancy, Collier, Daniels, DeGeeter, Domenick, C. Evans, D. Evans, Flowers, Gibbs, Harwood, Hollister, Hoops, Hughes, Key, Mason, Miller, Niehaus, Otterman, T. Patton, Perry, Peterson, Raga, Raussen, Reidelbach, Schlichter, Schmidt, Schneider, Setzer, Skindell, G. Smith, J. Stewart, Strahorn, Taylor, Willamowski, Wolpert, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 536-Representatives Schlichter, Latta, Wolpert, McGregor, Reidelbach, Aslanides, S. Smith, Webster, Hollister, Hoops, DeWine, Setzer, Daniels, Schaffer, Collier, Buehrer, Faber, Seaver, Grendell, Gilb.

To amend sections 2913.01 and 2913.02 of the Revised Code to make the penalty for theft of anhydrous ammonia a felony of the third degree, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 88, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Aslanides Allen Barrett Beatty Blasdel Boccieri Book Brinkman Calvert Buehrer Callender Carano Carmichael Chandler Clancy Cates Collier Combs Core Daniels DeGeeter DeWine Distel Domenick Evans D. Driehaus Evans C. Faber Fessler Flowers Gibbs Gilb Grendell Hagan Hartnett Harwood Hollister Hoops Hughes Husted Kearns Key Kilbane Jerse Latta Martin Mason Koziura Miller Oelslager McGregor Niehaus Olman Otterman Patton T. Perry Peterson Redfern Raga Raussen Reinhard Schlichter Reidelbach Schaffer Schmidt Schneider Seaver Seitz Setzer Sferra Skindell Smith G. Stewart D. Stewart J. Strahorn Taylor Trakas Ujvagi Wagner Walcher Widowfield Willamowski Webster Widener Wilson Wolpert Yates Householder-88. The bill passed.

Representative Schlichter moved to amend the title as follows:

Add the names: "Barrett, Book, Calvert, Core, Domenick, C. Evans, D. Evans, Flowers, Gibbs, Hughes, Niehaus, Perry, Schmidt, Wagner, Widener, Willamowski."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on December 1, 2004, signed the following:

Sub. H. B. No. 30 - Representative Williams - et al.,

Sub. H. B. No. 316 - Representative Wolpert - et al.,

Sub. H. B. No. 383 - Representative Walcher - et al.,

Am. Sub. H. B. No. 431 - Representative Schneider - et al.

On motion of Representative Cates, the House adjourned until Thursday, December 2, 2004 at 11:00 o'clock a.m.

Attest: LAURA P. CLEMENS, Clerk.