

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

**CORRECTED VERSION**  
**TUESDAY, DECEMBER 2, 2003**

ONE HUNDRED TWENTIETH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, December 2, 2003 at 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Reverend Ed Heilman of the Calvin United Church of Christ in Toledo, 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:

The Lima Central Catholic High School boys varsity golf team received H.R. 148, presented by Representative Willamowski-4th district.

Kylee Wiegand, Jessica Flannery, and Terry Malone received House Resolutions 151, 152, and 153, respectively, presented by Representative Jolivette-54th district.

Vernon Sykes and Kent State University Interns, guests of Representative Chandler-68th district.

Meggi, Paul, and Linda Lensman, guests of Representative Seaver-78th district.

Colbee Carbone and family, guests of Representative Boccieri-61st district.

#### **INTRODUCTION OF BILLS**

The following bill was introduced:

**H. B. No. 341**-Representative Calvert.

To amend section 5733.33 of the Revised Code as amended by Sub. H.B. 127 of the 125th General Assembly and to amend Section 9 of Sub. H.B. 127 of the 125th General Assembly to extend from 2005 to 2015 the tax credit on the purchase of new manufacturing machinery and equipment, but only for certain uranium-related projects, to make an appropriation of up to \$5 million for such projects, if excess General Revenue Fund moneys are available, and to declare an emergency.

Said bill was considered the first time.

#### **BILLS FOR THIRD CONSIDERATION**

**H. B. No. 185**-Representatives Schmidt, Allen, Setzer, Seitz, Aslanides, C. Evans, Olman, Schneider, Schaffer, Raga, Webster, Buehrer, Skindell.

To amend sections 124.84, 124.841, and 505.60 of the Revised Code to

permit the state and political subdivisions to pay some or all of the premium for their employees' long-term care insurance, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Book	Brinkman	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DePiero	DeWine	Distel
Domenick	Driehaus	Evans C.	Faber
Fessler	Flowers	Gibbs	Gilb
Grendell	Hagan	Hartnett	Harwood
Hollister	Hoops	Hughes	Husted
Jerse	Jolivette	Kearns	Key
Kilbane	Koziura	Latta	Martin
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	Patton S.
Patton T.	Perry	Peterson	Price
Raga	Raussen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	Skindell	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Taylor	Trakas	Ujvagi	Wagner
Walcher	Webster	Widener	Widowfield
Willamowski	Williams	Wilson	Wolpert
Yates	Young		Householder-95.

The bill passed.

Representative Schmidt moved to amend the title as follows:

Add the names: "Beatty, Brown, Chandler, Cirelli, Collier, Daniels, DeBose, Domenick, Hartnett, Harwood, Hughes, Jolivette, Key, Miller, Otterman, S. Patton, Perry, Price, Redfern, Reidelbach, Seaver, S. Smith, D. Stewart, J. Stewart, Strahorn, Yates."

Remove: "Buehrer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 204**-Representatives Wolpert, Gilb, Seitz, McGregor, Collier, Barrett, Allen, Kearns, Seaver, Chandler, Daniels, Cirelli, Domenick, C. Evans, Fessler, Flowers, Olman, Schlichter, Sferra, Skindell, Wagner,

Walcher.

To amend sections 1.59, 9.08, 9.314, 101.691, 125.072, 149.38, 149.432, 307.12, 341.42, 505.10, 718.07, 721.15, 753.32, 955.013, 1306.16, 2307.64, 3517.10, 3517.106, 3517.11, 5145.31, and 5703.49 and to enact sections 117.111, 304.01, 304.02, 304.03, and 304.04 of the Revised Code to provide for the use of electronic records and signatures by county offices if specified security procedures are adopted, to require the Auditor of State to audit electronic record security procedures adopted by county offices, to create a single definition of the "internet" to be used throughout the Revised Code, and to provide notice to county historical societies and other local entities that county records are being sent to the Ohio Historical Society for potential distribution, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Book	Brinkman	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DePiero	DeWine	Distel
Domenick	Driehaus	Evans C.	Faber
Fessler	Flowers	Gibbs	Gilb
Grendell	Hagan	Hartnett	Harwood
Hollister	Hoops	Hughes	Husted
Jerse	Jolivette	Kearns	Key
Kilbane	Koziura	Latta	Martin
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	Patton S.
Patton T.	Perry	Peterson	Price
Raga	Rausen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	Skindell	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Taylor	Trakas	Ujvagi	Wagner
Walcher	Webster	Widener	Widowfield
Williamowski	Williams	Wilson	Wolpert
Yates	Young		Householder-95.

The bill passed.

Representative Wolpert moved to amend the title as follows:

Add the names: "Carano, DePiero, Distel, Gibbs, Harwood, Hughes, Key, Miller, Niehaus, S. Patton, Rausen, Reidelbach, Schmidt, Schneider, G. Smith, J. Stewart, Sykes."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 53**-Senators Goodman, Stivers, Jacobson, Randy Gardner, Dann, Herington, Austria, Blessing, Schuler, Spada, Harris. -Representatives Collier, Willamowski, Brown, D. Evans, Seitz, Callender, Faber, Latta, Gilb.

To amend sections 109.57 and 109.572 and to enact section 109.571 of the Revised Code to ratify the National Crime Prevention and Privacy Compact, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Latta moved to amend as follows:

In line 984, delete the period and insert an underlined semicolon.

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 83, nays 12, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Blasdel	Book
Brown	Buehrer	Callender	Calvert
Carmichael	Cates	Cirelli	Clancy
Collier	Core	Daniels	DeBose
DePiero	DeWine	Distel	Domenick
Driehaus	C. Evans	Faber	Flowers
Gibbs	Gilb	Grendell	Hagan
Hartnett	Harwood	Hollister	Hoops
Hughes	Husted	Jerse	Jolivette
Kearns	Key	Kilbane	Koziura
Latta	Martin	Mason	McGregor
Niehaus	Oelslager	Olman	Otterman
T. Patton	Perry	Peterson	Price
Raga	Raussen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	G. Smith	S. Smith	D. Stewart
J. Stewart	Taylor	Trakas	Wagner
Walcher	Webster	Widener	Widowfield
Willamowski	Williams	Wilson	Wolpert
Yates	Young		Householder-83.

Those who voted in the negative were: Representatives

Barrett	Beatty	Brinkman	Carano
Chandler	Fessler	Miller	S. Patton
Skindell	Strahorn	Sykes	Ujvagi-12.

The bill passed.

Representative Latta moved to amend the title as follows:

Add the names: "Book, Cates, Clancy, DePiero, Domenick, Niehaus, Oelslager, T. Patton, Raussen, Schmidt, Sferra, J. Stewart, Walcher."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**S. C. R. No. 8**-Representatives Hollister, Wagner, Aslanides, McGregor, Niehaus, Setzer, Grendell, Widowfield, Carmichael, Cirelli, Domenick, DeBose, D. Stewart, Skindell. -Senators Mumper, Spada, Randy Gardner, Brady, Carnes, Fedor, Roberts, Jacobson, Robert Gardner, Stivers, Harris, Carey, Armbruster, Prentiss, Herington, DiDonato.

To urge the International Joint Commission to maintain its vigilance in opposing diversion of Great Lakes waters and to support the prompt resolution of all issues related to the finalization of Annex 2001, was taken up for consideration the third time.

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

Representative Wagner moved to amend the title as follows:

Add the names: "Allen, Barrett, Callender, Hartnett, Hughes, Latta, Olman, Price, Reidelbach, Seaver, Walcher, Willamowski, 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 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Book	Brinkman	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DePiero	DeWine	Distel
Domenick	Driehaus	C. 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	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	Skindell	G. Smith	S. Smith
D. Stewart	J. Stewart	Strahorn	Sykes

Taylor	Trakas	Ujvagi	Wagner
Walcher	Webster	Widener	Widowfield
Willamowski	Williams	Wilson	Wolpert
Yates	Young		Householder-95.

The concurrent resolution was adopted.

Representative Cates moved that the House revert to the fourth order of business, being reports of conference committees.

The motion was agreed to.

### REPORTS OF CONFERENCE COMMITTEES

Representative Cates moved that Joint Rule No. 20, pertaining to reports of Conference Committee, be suspended and that the Conference Committee report on **Am. Sub. S. B. No. 4**-Senator Spada, et al. be taken up for immediate consideration.

The motion was agreed to.

Representative Gilb submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on Am. Sub. S.B. 4, Sen. Spada - et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the House of Representatives with the following amendments:

In line 21, delete "107.31, 107.32,"

In line 22, after "2945.491," insert "5123.032,"

Delete lines 25 through 172

Between lines 1795 and 1796, insert:

"Sec. 5123.032. (A) As used in this section, "developmental center" means any institution or facility of the department of mental retardation and developmental disabilities that, on or after the effective date of this section, is named, designated, or referred to as a developmental center.

(B) Notwithstanding any other provision of law, on and after the effective date of this section, any closure of a developmental center shall be subject to, and in accordance with, this section. Notwithstanding any other provision of law, if the governor announced on or after January 1, 2003, and prior to the effective date of this section the intended closure of a developmental center and if the closure identified in the announcement has not occurred prior to the effective date of this section, the closure identified in the announcement shall be subject to the criteria set forth in this section as if the announcement had been made on or after

the effective date of this amendment.

(C) Notwithstanding any other provision of law, on and after the effective date of this section, at least ten days prior to making any official, public announcement that the governor intends to close one or more developmental centers, the governor shall notify the general assembly in writing that the governor intends to close one or more developmental centers. The notice shall identify by name each developmental center that the governor intends to close or, if the governor has not determined any specific developmental center to close, shall state the governor's general intent to close one or more developmental centers. When the governor notifies the general assembly as required by this division, the legislative service commission promptly shall conduct an independent study of the developmental centers of the department of mental retardation and developmental disabilities and of the department's operation of the centers, and the study shall address relevant criteria and factors, including, but not limited to, all of the following:

(1) The manner in which the closure of developmental centers in general would affect the safety, health, well-being, and lifestyle of the centers' residents and their family members and would affect public safety and, if the governor's notice identifies by name one or more developmental centers that the governor intends to close, the manner in which the closure of each center so identified would affect the safety, health, well-being, and lifestyle of the center's residents and their family members and would affect public safety;

(2) The availability of alternate facilities;

(3) The cost effectiveness of the facilities identified for closure;

(4) A comparison of the cost of residing at a facility identified for closure and the cost of new living arrangements;

(5) The geographic factors associated with each facility and its proximity to other similar facilities;

(6) The impact of collective bargaining on facility operations;

(7) The utilization and maximization of resources;

(8) Continuity of the staff and ability to serve the facility population;

(9) Continuing costs following closure of a facility;

(10) The impact of the closure on the local economy;

(11) Alternatives and opportunities for consolidation with other facilities;

(12) How the closing of a facility identified for closure relates to the department's plans for the future of developmental centers in this state;

(13) The effect of the closure of developmental centers in general upon the state's fiscal resources and fiscal status and, if the governor's notice identifies by name one or more developmental centers that the governor intends to close,



the effect of the closure of each center so identified upon the state's fiscal resources and fiscal status.

(D) The legislative service commission shall complete the study required by division (C) of this section, and prepare a report that contains its findings, not later than ninety days after the governor makes the official, public announcement that the governor intends to close one or more developmental centers as described in division (C) of this section. The commission shall provide a copy of the report to each member of the general assembly who requests a copy of the report.

Not later than the date on which the legislative service commission is required to complete the report under this division, the mental retardation and developmental disabilities developmental center closure commission is hereby created as described in division (E) of this section. The officials with the duties to appoint members of the closure commission, as described in division (E) of this section, shall appoint the specified members of the closure commission, and, as soon as possible after the appointments, the closure commission shall meet for the purposes described in that division. Upon completion of the report and the creation of the closure commission under this division, the legislative service commission promptly shall provide a copy of the report to the closure commission and shall present the report as described in division (E) of this section.

(E)(1) A mental retardation and developmental disabilities developmental center closure commission shall be created at the time and in the manner specified in division (D) of this section. The closure commission consists of five members. One member shall be the director of the department of mental retardation and developmental disabilities. One member shall be a private executive with expertise in facility utilization, jointly appointed by the speaker of the house of representatives and the president of the senate. The member appointed for expertise in facility utilization may not be a member of the general assembly and may not have a developmental center identified for closure by the governor in the county in which the member resides. One member shall be a member of the board of the Ohio civil service employees' association, appointed by the governor. One member shall be a private executive with expertise in economics, jointly appointed by the speaker of the house of representatives and the president of the senate. The member appointed for expertise in economics may not be a member of the general assembly and may not have a developmental center identified for closure by the governor in the county in which the member resides. One member shall be a member of the law enforcement or health care community, appointed by the governor. The officials with the duties to appoint members of the closure commission shall make the appointments, and the closure commission shall meet, within the time periods specified in division (D) of this section. The members of the closure commission shall serve without compensation. At the closure commission's first meeting, the members shall organize and appoint a chairperson and vice-chairperson.

The closure commission shall meet as often as is necessary for the

purpose of making the recommendations to the governor that are described in this division. The closure commission's meetings shall be open to the public, and the closure commission shall accept public testimony. The legislative service commission shall appear before the closure commission and present the report the legislative service commission prepared under division (D) of this section. The closure commission shall meet for the purpose of making recommendations to the governor, which recommendations may include all of the following:

(a) Whether any developmental center should be closed;

(b) If the recommendation described in division (E)(1)(a) of this section is that one or more developmental centers should be closed, which center or centers should be closed;

(c) If the governor's notice described in division (C) of this section identifies by name one or more developmental centers that the governor intends to close, whether the center or centers so identified should be closed.

(2) The mental retardation and developmental disabilities developmental center closure commission, not later than ninety days after it receives the report of the legislative service commission under division (D) of this section, shall prepare a report containing its recommendations to the governor. The closure commission shall send a copy of the report to the governor and to each member of the general assembly who requests a copy of the report. Upon receipt of the closure commission's report, the governor shall review and consider the commission's recommendation. The governor shall do one of the following:

(a) Follow the recommendation of the commission;

(b) Close no developmental center;

(c) Take other action that the governor determines is necessary for the purpose of expenditure reductions or budget cuts and state the reasons for the action.

The governor's decision is final. Upon the governor's making of the decision, the closure commission shall cease to exist. Another closure commission shall be created under this section each time the governor subsequently makes an official, public announcement that the governor intends to close one or more developmental centers."

Delete lines 1985 through 2025 and insert:

"Sec. 5123.50. As used in this section and sections 5123.51~~and~~, 5123.52, and 5123.541 of the Revised Code:

(A) "Abuse" means all of the following:

(1) The use of physical force that can reasonably be expected to result in physical harm or serious physical harm;

(2) Sexual abuse;

(3) Verbal abuse.

(B) "Misappropriation" means depriving, defrauding, or otherwise obtaining the real or personal property of an individual by any means prohibited by the Revised Code, including violations of Chapter 2911. or 2913. of the Revised Code.

(C) "MR/DD employee" means all of the following:

(1) An employee of the department of mental retardation and developmental disabilities;

(2) An employee of a county board of mental retardation and developmental disabilities;

(3) An employee in a position that includes providing specialized services to an individual with mental retardation or ~~another~~ developmental disability.

(D) "Neglect" means, when there is a duty to do so, failing to provide an individual with any treatment, care, goods, or services that are necessary to maintain the health and safety of the individual.

(E) "Physical harm" and "serious physical harm" have the same meanings as in section 2901.01 of the Revised Code.

(F) "Sexual abuse" means unlawful sexual conduct or sexual contact, ~~as those terms are defined in section 2907.01 of the Revised Code.~~

(G) "Specialized services" means any program or service designed and operated to serve primarily individuals with mental retardation or a developmental disability, including a program or service provided by an entity licensed or certified by the department of mental retardation and developmental disabilities. A program or service available to the general public is not a specialized service.

(H) "Verbal abuse" means purposely using words to threaten, coerce, intimidate, harass, or humiliate an individual.

(I) "Sexual conduct," "sexual contact," and "spouse" have the same meanings as in section 2907.01 of the Revised Code."

Delete lines 3024 through 3074

In line 3075, delete "**Section 8.**" and insert "**Section 4.**"

In line 4 of the title, delete "107.31, 107.32,"

In line 6 of the title, after "2945.491," insert "5123.032,"

In line 10 of the title, delete "establish provisions"

Delete lines 11 through 17 of the title and insert "provide a mechanism for the closing of developmental centers of the Department of Mental Retardation and Developmental Disabilities that involves independent studies and public hearings."

Managers on the Part of the  
Senate

/S/ ROBERT SPADA  
ROBERT SPADA

/S/ JOHN CAREY  
JOHN CAREY

/S/ MARC DANN  
MARC DANN

Managers on the Part of the  
House of Representatives

/S/ MIKE GILB  
MIKE GILB

/S/ JEFF WAGNER  
JEFF WAGNER

/S/ SANDRA STABILE HARWOOD  
SANDRA STABILE HARWOOD

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

The yeas and nays were taken and resulted - yeas 92, nays 3, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Book	Brinkman	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DePiero	DeWine	Distel
Domenick	Driehaus	C. 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	Taylor	Ujvagi
Wagner	Walcher	Webster	Widener
Widowfield	Willamowski	Williams	Wilson
Wolpert	Yates	Young	Householder-92.

Representatives Redfern, Sykes, and Trakas voted in the negative-3.

The report of the committee of Conference was agreed to.

## MOTIONS AND RESOLUTIONS

## MESSAGE FROM THE SPEAKER

November 18, 2003

The Honorable Larry Householder  
Speaker of the Ohio House of Representatives

77 South High Street, 14th Floor  
Columbus, Ohio 43215

Dear Speaker Householder,

It is with a heavy heart that I announce my resignation from the Ohio House of Representatives to be effective December 2, 2003.

As you know, this past Election Day I was elected Mayor of the City of Parma. I will be assuming this position on January 1, 2004.

I have immensely enjoyed my time here at the Ohio House and have been grateful that I have been able to serve for two and half terms. As you know, term limits make it very difficult for us as legislators to accomplish the work that we set out to do, and although I would have liked to stay to fulfill my four terms, I could not pass up the opportunity to serve the people of Parma as their Mayor.

It has been an honor to serve in this fine establishment under your leadership and that of former Speaker Jo Ann Davidson. I also certainly appreciate the courtesy you extended to me while we served as leaders together. I will honestly look back at my time here with great fondness.

Again, please accept this letter as my notice of resignation effect December 2, 2003. Please do not hesitate to contact me should you have any questions.

Sincerely,

/s/ DEAN E. DEPIERO

Dean E. DePiero  
State Representative  
15th House District

cc: House Minority Leader Chris Redfern  
Kim Flasher, House Chief Administrative Officer

#### MESSAGE FROM THE SPEAKER

December 2, 2003

The Honorable Dean E. DePiero  
Ohio House of Representatives  
77 South High Street  
Columbus, Ohio 43215

Dear Representative DePiero:

This is to acknowledge receipt and acceptance of your letter of resignation from the Ohio House of Representatives, effective December 2, 2003.

You have served your constituents well over the years, and I am confident that you will continue to do so as Mayor of the City of Parma.

Sincerely,

/s/ LARRY HOUSEHOLDER

Larry Householder

Speaker

Ohio House of Representatives

Representative Cates moved that **H. R. No. 155**-Representative Redfern be brought up for immediate adoption, read by title only, 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. 155**-Representative Redfern.

Relative to the election of Timothy J. DeGeeter to fill the vacancy in the membership of the House of Representatives created by the resignation of Dean DePiero of the 15th House District.

*WHEREAS, Section 11 of Article II, Ohio Constitution provides for the filling of a vacancy in the membership of the House of Representatives by election by the members of the House of Representatives who are affiliated with the same political party as the person last elected to the seat which has become vacant; and*

*WHEREAS, Dean DePiero of the 15th House District has resigned as a member of the House of Representatives of the 125th General Assembly effective December 2, 2003, thus creating a vacancy in the House of Representatives; therefore be it*

*RESOLVED, By the members of the House of Representatives who are affiliated with the Democrat Party that Timothy J. DeGeeter, Democrat, having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the House of Representatives from the 15th House District, is hereby elected, effective December 2, 2003, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the House of Representatives from the 15th House District, to fill the vacancy created by the unexpired portion of the term of said Dean DePiero, ending on December 31, 2004; and be it further*

*RESOLVED, That a copy of this resolution be spread upon the pages of the Journal of the House of Representatives together with the yeas and nays of the members of the House of Representatives affiliated with the Democrat Party voting on the resolution, and that the Clerk of the House of Representatives shall certify the resolution and vote on its adoption to the Secretary of State.*

The yeas and nays were taken and resulted - yeas 34, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen

Barrett

Beatty

Book

Brown	Carano	Chandler	Cirelli
DeBose	Distel	Domenick	Driehaus
Hartnett	Harwood	Jerse	Key
Koziura	Mason	Miller	Otterman
Patton S.	Perry	Price	Redfern
Seaver	Sferra	Skindell	Smith S.
Stewart D.	Strahorn	Sykes	Ujvagi
Wilson			Yates-34.

The resolution was adopted.

State of Ohio  
County of Franklin

I, Timothy J. DeGeeter, do solemnly swear to support the Constitution of the United States and the Constitution of the State of Ohio, and faithfully to discharge and perform all duties incumbent upon me as a member of the Ohio House of Representatives, according to the best of my ability and understanding; and this I do as I shall answer unto God.

/s/ TIMOTHY J. DEGEETER

Timothy J. DeGeeter

Sworn to and subscribed before me this 2nd day of December, 2003

/s/ LARRY HOUSEHOLDER

Larry Householder

Speaker

Ohio House of Representatives

On motion of Representative Cates, the House recessed.

The House met pursuant to recess.

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

The motion was agreed to.

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

Representative Wilson reported for the Rules and Reference Committee recommending that the following House Bills and Senate Bills be considered for the second time and referred to the following committees for consideration:

**H.B. No. 329 - Representatives Schlichter, et al**

**TO CREATE "NATIONAL DEFENSE" LICENSE PLATES**

To the committee on Transportation and Public Safety

**H.B. No. 330 - Representatives Hartnett, et al**

TO CHANGE THE DATES BY WHICH CERTAIN PROFICIENCY AND ACHIEVEMENT TESTS ARE ADMINISTERED AND TO CHANGE THE DATES ON WHICH THE RESULTS OF THOSE TESTS ARE RELEASED TO SCHOOL DISTRICTS

To the committee on Education

**H.B. No. 331 - Representatives Schmidt, et al**

TO RAISE THE CAP ON THE AMOUNT OF BENEFITS HEALTH CARE PLANS MAY PROVIDE FOR THE EXPENSE OF SCREENING MAMMOGRAPHS, AN EXAMINATION THAT THE PLANS ARE REQUIRED TO COVER, AND TO PROVIDE FOR THE ANNUAL ADJUSTMENT OF THIS CAP TO REFLECT INFLATION

To the committee on Health

**H.B. No. 332 - Representatives S. Smith, et al**

TO LIMIT THE CONSIDERATION OF CRIMINAL CHARGES AGAINST A PRISONER IN DETERMINING WHETHER TO PAROLE THE PRISONER, TO REQUIRE THE ADULT PAROLE AUTHORITY TO RECOMMEND STATUTORY PAROLE STANDARDS TO THE GENERAL ASSEMBLY, AND TO REQUIRE THE APPOINTMENT OF A COMMITTEE TO RECOMMEND A BILL ON PAROLE STANDARDS

To the committee on Judiciary

**H.B. No. 333 - Representatives Miller, et al**

TO PERMIT CERTAIN MOTORIZED SCOOTERS TO BE OPERATED IN THE SAME MANNER AND IN THE SAME LOCATIONS AS MOTORIZED BICYCLES

To the committee on Transportation and Public Safety

**H.B. No. 334 - Representatives Harwood, et al**

TO ADOPT "FAMOUS OHIOANS" AS THE STATE VERSE

To the committee on State Government

**H.B. No. 335 - Representatives Wolpert, et al**

TO PERMIT THE COUNTY CENTRAL COMMITTEE OF A MAJOR POLITICAL PARTY TO BE COMPRISED OF MEMBERS REPRESENTING COMBINATIONS OF ELECTION PRECINCTS, CITY WARDS, VILLAGES, AND TOWNSHIPS, AS DETERMINED BY THE OUTGOING COMMITTEE, AND TO REQUIRE A TOWNSHIP ZONING REFERENDUM TO BE VOTED UPON AT A SPECIAL ELECTION TO BE HELD ON THE DAY OF THE NEXT PRIMARY OR GENERAL ELECTION THAT OCCURS AT LEAST 75 DAYS AFTER THE REFERENDUM PETITION IS FILED, REGARDLESS OF WHETHER ANY ELECTION WILL BE HELD TO NOMINATE OR ELECT CANDIDATES ON THAT DAY

To the committee on State Government



**H.B. No. 336 - Representatives Brown, et al**

TO ALLOW ANY QUALIFIED ELECTOR TO VOTE BY ABSENT  
VOTER'S BALLOTS

To the committee on State Government

**H.B. No. 337 - Representative Blasdel**

TO EXPAND ELIGIBILITY TO PARTICIPATE IN AN ALTERNATIVE  
RETIREMENT PLAN TO ALL FULL-TIME EMPLOYEES OF PUBLIC  
INSTITUTIONS OF HIGHER EDUCATION

To the committee on Banking, Pensions, and Securities

**H.B. No. 338 - Representatives Taylor, et al**

TO AUTHORIZE CERTAIN FEDERAL JUDGES AND MAGISTRATES  
TO SOLEMNIZE MARRIAGES IN OHIO

To the committee on Judiciary

**H.B. No. 339 - Representatives Walcher, et al**

TO REQUIRE THE REGISTRAR OF MOTOR VEHICLES TO ISSUE A  
REMOVABLE OR TEMPORARY REMOVABLE WINDSHIELD  
PLACARD FOR HANDICAPPED PARKING TO AN APPLICANT WHO  
IS AN ACTIVE-DUTY MEMBER OF THE ARMED FORCES OF THE  
UNITED STATES AND WHOSE QUALIFYING DISABILITY IS  
SERVICE-CONNECTED WITHOUT PAYMENT OF A SERVICE FEE

To the committee on Transportation and Public Safety

**H.B. No. 340 - Representatives Young, et al**

TO NEITHER REQUIRE NOR PROHIBIT ANY PERSON WHO SUBMITS  
A BID ON A PUBLIC IMPROVEMENT PROJECT INVOLVING STATE  
FUNDS TO ENTER INTO OR ADHERE TO AGREEMENTS WITH ONE  
OR MORE LABOR ORGANIZATIONS

To the committee on Finance and Appropriations

**H.B. No. 341 - Representative Calvert**

TO EXTEND FROM 2005 TO 2015 THE TAX CREDIT ON THE  
PURCHASE OF A NEW MANUFACTURING MACHINERY AND  
EQUIPMENT, BUT ONLY FOR CERTAIN URANIUM-RELATED  
PROJECTS, TO MAKE AN APPROPRIATIONS OF UP TO \$5 MILLION  
FOR SUCH PROJECTS, IF EXCESS GENERAL REVENUE FUND  
MONEYS ARE AVAILABLE, AND TO DECLARE AN EMERGENCY

To the committee on Finance and Appropriations

**Sub. S.B. No. 58 - Senators Jacobson, et al**

TO INCREASE THE PENALTIES FOR CERTAIN DRUG OFFENSES IF  
THE OFFENSE IS COMMITTED IN THE VICINITY OF A SCHOOL OR  
IN THE VICINITY OF A JUVENILE

To the committee on Criminal Justice

**S.B. No. 73 - Senators Dann, et al**

TO CREATE A SPECIAL MOTORCYCLE LICENSE PLATE FOR  
RETIRED AND HONORABLY DISCHARGED VETERANS

To the committee on Transportation and Public Safety

**Sub. S.B. No. 81 - Senators Fedor, et al**

TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT STANDARDS AND MODEL CURRICULA FOR PHYSICAL EDUCATION FOR GRADES KINDERGARTEN THROUGH TWELVE AND TO REMOVE THE REQUIREMENT THAT THE STANDARDS AND MODEL CURRICULA FOR PHYSICAL EDUCATION ARE SUBJECT TO APPROVAL BY CONCURRENT RESOLUTION BY BOTH HOUSES OF THE GENERAL ASSEMBLY

To the committee on Education

**Sub. S.B. No. 99 - Senators Blessing, et al**

TO REQUIRE THE STATE LOTTERY COMMISSION TO ESTABLISH LICENSING PROCEDURES FOR ELECTRONIC LOTTERY SALES AGENTS THAT ARE HORSERACING PERMIT HOLDERS AND TO CONDUCT LOTTERIES THAT PROVIDE IMMEDIATE PRIZE DETERMINATIONS FOR INDIVIDUAL PARTICIPANTS THROUGH THE USE OF ELECTRONIC GAMING DEVICES AT NOT MORE THAN SEVEN LICENSED COMMERCIAL HORSERACING TRACKS; TO REQUIRE THE BOARD OF REGENTS TO IMPLEMENT THE OHIO SCHOLARSHIP PROGRAM TO PROVIDE SPECIFIED SCHOLARSHIPS TO CERTAIN HIGH SCHOOL GRADUATES WHO MEET CERTAIN ACADEMIC STANDARDS AND ENROLL IN SPECIFIED OHIO INSTITUTIONS OF HIGHER EDUCATION; TO REQUIRE THE BOARD OF REGENTS TO IMPLEMENT THE OHIO LEARN AND EARN SCHOLARSHIP PROGRAM TO PROVIDE CERTAIN SCHOLARSHIPS TO HIGH SCHOOL GRADUATES WHO MEET CERTAIN ACADEMIC AND NONACADEMIC REQUIREMENTS AND ENROLL IN SPECIFIED OHIO INSTITUTIONS OF HIGHER EDUCATION; TO REQUIRE FIVE PER CENT OR \$25 MILLION OF THE NET PROCEEDS FROM THE ELECTRONIC LOTTERIES, WHICHEVER IS LESS, TO BE USED FOR SCHOOL BUILDING CONSTRUCTION FOR ELEMENTARY, SECONDARY, VOCATIONAL, AND SPECIAL EDUCATION PROGRAMS; AND TO REQUIRE THE REMAINING NET PROCEEDS FROM THE ELECTRONIC LOTTERIES TO BE USED TO SUPPORT FIRST THE OHIO SCHOLARSHIP PROGRAM AND SECOND THE OHIO LEARN AND EARN SCHOLARSHIP PROGRAM

To the committee on Finance and Appropriations

**Sub. S.B. No. 133 - Senators Wachtmann, et al**

REGARDING GOVERNANCE OF OHIO'S FIVE PUBLIC RETIREMENT SYSTEMS

To the committee on Banking, Pensions, and Securities

GARY W. CATES  
JIM CARMICHAEL  
LARRY L. FLOWERS

CHARLES CALVERT  
PATRICIA M. CLANCY  
JIM HUGHES

THOMAS F. PATTON  
JOHN SCHLICHTER  
KATHLEEN WALCHER  
DIXIE J. ALLEN  
KENNETH A. CARANO  
ROBERT J. OTTERMAN

JON M. PETERSON  
JAMES PETER TRAKAS  
CHRIS REDFERN  
JOYCE BEATTY  
EDWARD JERSE  
CHARLES A. WILSON

Representative Reinhard moved that the House and constitutional Rule 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 Bills contained in the report of the committee on Rules Reference.

The motion was agreed to without objection.

The report was agreed to.

Said House Bills and Senate Bills 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 Concurrent Resolution be introduced and referred to the following committee for consideration:

**H. Con. R. No. 33 - Representatives Trakas, Martin, Reidelbach, Husted, Fessler, Taylor, Jerse**

TO MEMORIALIZE CONGRESS AND THE PRESIDENT OF THE  
UNITED STATE IN SUPPORT OF ACTIONS AND LEGISLATION  
DESIGNED TO MOTIVATE CHINA TO END UNFAIR  
EXCHANGE-RATE TRADING PRACTICES AND TO ADOPT CERTAIN  
OTHER ECONOMIC AND SOCIAL POLICES

To the committee on Commerce and Labor

Add the names: "Cates, Flowers, Hughes, Redfern, Wilson"

/s/ GARY CATES

Gary Cates, Vice Chair

Representative Reinhard moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolution contained therein be introduced and referred as recommended.

The motion was agreed to.

Said resolution was introduced and referred as recommended.

Representative Wilson reported for the Rules and Reference Committee recommending that the following House Resolutions and House Concurrent

Resolution be read by title only and approved:

**H.R. No. 148 - Representative Willamowski**

HONORING THE LIMA CENTRAL CATHOLIC HIGH SCHOOL BOYS VARSITY GOLF TEAM AS THE 2003 OHSAA DIVISION III STATE CHAMPION

**H.R. No. 149 - Representatives Perry, Brown, Ujvagi, Olman, Allen, Barrett, Beatty, Bocchieri, Book, Buehrer, Calvert, Carano, Chandler, Cirelli, Daniels, DeBose, DePiero, Domenick, Driehaus, C. Evans, Faber, Fessler, Gibbs, Hartnett, Harwood, Hollister, Hoops, Hughes, Jerse, Kearns, Key, Koziura, Mason, McGregor, Miller, Otterman, S. Patton, Price, Redfern, Schaffer, Schmidt, Schneider, Seitz, Setzer, Sferra, Skindell, G. Smith, S. Smith, Strahorn, D. Stewart, J. Stewart, Sykes, Walcher, Webster, Widener, Willamowski, Wilson, Woodard, Yates**

HONORING THE TOLEDO POLICE DEPARTMENT MOUNTED PATROL ON ITS PERFORMANCE IN THE 2003 NATIONAL MOUNTED POLICE EQUESTRIAN COMPETITION

Add the names: "Hughes, T. Patton"

**H.R. No. 150 - Representative G. Smith**

HONORING THE DURABLE SLATE COMPANY ON RECEIVING THE 2003 BETTER BUSINESS BUREAU INTERNATIONAL TORCH AWARD FOR MARKETPLACE ETHICS

Add the names: "Beatty, Carano, Flowers, Hughes, Wilson"

**H.R. No. 151 - Representative Jolivette**

HONORING KYLEE WIEGAND AS A 2003 STATE TENNIS CHAMPION

**H.R. No. 152 - Representative Jolivette**

HONORING TERRY MALONE AS THE OHIO HIGH SCHOOL COACH WITH THE MOST WINS OF ALL TIME

**H.R. No. 153 - Representative Jolivette**

HONORING JESSICA FLANNERY AS A 2003 STATE TENNIS CHAMPION

**H.R. No. 154 - Representatives Reidelbach, Hughes**

HONORING MERIBAH MANSFIELD ON BEING NAMED OHIO LIBRARIAN OF THE YEAR FOR 2003

Add the names: "Beatty, Carano, Flowers"

**H.R. No. 156 - Representative Schneider**

HONORING THE MADEIRA HIGH SCHOOL BOYS SOCCER TEAM AS THE 2003 DIVISION III STATE CHAMPION

Add the name: "Clancy"

**H.R. No. 157 - Representative Latta**

HONORING THE BOWLING GREEN HIGH SCHOOL GIRLS CROSS COUNTRY TEAM AS THE 2003 DIVISION I STATE CHAMPION

Add the name: "Walcher"

**H.R. No. 158 - Representative Peterson**

HONORING JIMMY CRUM AS AN OUTSTANDING OHIOAN

Add the names: "Flowers, Hughes, Redfern, Schlichter, Trakas, Beatty"

**H.C.R. No. 34 - Representatives Daniels, Allen, Barrett, Boccieri, Carano, C. Evans, Gilb, Harwood, Hughes, Husted, McGregor, Miller, Otterman, Price, Redfern, Schmidt, Schaffer, Seitz, Setzer, Skindell, J. Stewart, Walcher, Webster, Willamowski, Williams**

RECOGNIZING THE SECOND WEEK OF FEBRUARY AS ELECTRIC WEEK IN OHIO

Add the names: "Clancy, Flowers, Schlichter"

/s/ GARY CATES

Gary Cates, Vice Chair

Representative Reinhard 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.

## Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the House amendments to

**Sub. S.B. No. 23**-- Senator Goodman, et al.,**Sub. S.B. No. 28**-- Senator Spada, et al.

Attest:

Matthew T. Schuler,  
Clerk.

## Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has agreed to the report of the Committee of Conference on matters of difference between the two houses on

**Am. Sub. S.B. No. 4--** Senator Spada, et al.

Attest:

Matthew T. Schuler,  
Clerk.

## 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. 108** - Senators Spada, Armbruster, Robert Gardner, Schuler, Stivers, Amstutz, Harris, Mumper, Brady, Fedor, Dann.

To enact sections 4955.41 to 4955.47 of the Revised Code to authorize the establishment of railroad quiet zones by municipal corporations and townships.

Attest:

Matthew T. Schuler,  
Clerk.

Said bill was considered the first time.

## Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Sub. H. B. No. 54** - Representatives Collier, Aslanides, DeWine, Young, S. Patton, Allen, Schlichter, Schneider, DeBose, Jolivette, J. Stewart, Strahorn, Ujvagi. Senators Armbruster, Harris.

To amend section 4507.23 and to enact section 4507.232 of the Revised Code to provide that when a temporary instruction permit is issued, the Registrar of Motor Vehicles or deputy registrar also issue a removable sticker or banner that reads "student driver."

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

Attest:

Matthew T. Schuler,  
Clerk.

The Senate amendments were laid over under the Rule.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on December 2, 2003, signed the following:

**Am. Sub. S.B. No. 4 - Senator Spada - et al.,**

**Sub. S.B. No. 23 - Senator Goodman - et al.,**

**Sub. S.B. No. 28 - Senator Spada - et al.**

On motion of Representative Reinhard, the House adjourned until Wednesday, December 3, 2003 at 1:30 o'clock p.m.

Attest:

LAURA P. CLEMENS,  
Clerk.