

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, DECEMBER 7, 2004

TWO HUNDRED FORTY-FIRST DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, December 7, 2004 at 1:30 o'clock p.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Larry Pozza of the Erieside Church in Willowick, Ohio, followed by the Pledge of Allegiance to the Flag.

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

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

The Upper Arlington High School boys and girls polo teams received House Resolutions 285 and 286, respectively, presented by Representative G. Smith-24th district.

Curt Hartman, a guest of Representative Niehaus-88th district.

Students from the Kent State Columbus internship program, guests of Representative Chandler-81st district.

Gerald, Cheryl and Jay Meyer, guests of Representative Hoops-75th district.

Katie Raffel, a guest of Representative Faber-77th district.

Bill and Cindy Wendell, guests of Representative C. Evans-87th district.

#### INTRODUCTION OF BILLS

The following bill was introduced:

**H. B. No. 586**-Representatives Grendell, Seitz. To amend sections 1901.06, 1907.13, 2301.01, 2501.02, and 2503.01 and to enact section 2503.51 of the Revised Code to change the qualifications for all judges and to require the Supreme Court to establish a qualification program for candidates for judicial office.

Said bill was considered the first time.

#### CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 255**-Representative Setzer, et al., were taken up for consideration.

**Sub. H. B. No. 255**-Representatives Setzer, Seitz, C. Evans, Kearns, Price, McGregor, Chandler, Domenick, Collier, Flowers, Wolpert, Distel, D. Evans, Hagan, Hartnett, Oelslager, Otterman, S. Patton, Perry, J. Stewart, Taylor. -Senators Roberts, Blessing, Spada, Armbruster, Robert Gardner. To amend sections 505.511, 505.84, and 3743.75 and to enact sections 1753.281 and 3923.651 of the Revised Code to increase the charges for responding in townships to certain security alarm system false alarms, to earmark the

moneys a township so collects for police services, to allow townships to charge for fire and rescue services, to make changes in the State Fireworks Law, and to require certain insurance policies that provide coverage for 9-1-1 emergency services to pay the provider of 9-1-1 emergency services directly.

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

The yeas and nays were taken and resulted - yeas 95, nays 1, as follows:

Those who voted in the affirmative were: Representatives

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

Representative Yates voted in the negative-1.

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 329**-Representative Schlichter, et al., were taken up for consideration.

**Sub. H. B. No. 329**-Representatives Schlichter, Wagner, Hoops, DeWine, C. Evans, Carano, Hughes, Allen, Husted, Fessler, Ujvagi, Price, Seitz, Clancy, Bocchieri, D. Evans, Key, S. Patton, Perry, Reinhard, Sferra, Aslanides, Brown, Buehrer, Callender, Calvert, Carmichael, Cates, Cirelli, Collier, Combs, Core, DeBose, DeGeeter, Distel, Domenick, Faber, Flowers, Gilb, Grendell, Hartnett, Hollister, Jerse, Latta, Martin, Mason, McGregor, Niehaus, Oelslager, Olman, Peterson, Reidelbach, Schaffer, Schmidt, Seaver, Setzer, Slaby, Taylor, Trakas, Walcher, Widowfield, Willamowski, Woodard, Young. -Senators Armbruster, Austria, Robert Gardner, Schuler, Spada. To amend sections 1503.05, 1541.22, 4501.21, 4503.54, 4503.591, 5537.07, and 5537.26; to enact sections 955.201, 955.202, 4503.431, 4503.432, 4503.491, 4503.501, 4503.502, 4503.521, 4503.522, 4503.541, 4503.543, 4503.544,

4503.545, 4503.551, 4503.552, 4503.562, 4503.573, 4503.574, 4503.575, and 4503.74 of the Revised Code; and to amend Section 11.04 of Am. Sub. H.B. 87 of the 125th General Assembly, as most recently amended by Am. Sub. S.B. 189 of the 125th General Assembly, to create "National Defense" license plates; "U.S. Armed Forces Active Duty" license plates; Armed Forces Expeditionary Medal license plates; special motorcycle license plates for retired and honorably discharged veterans; "Silver Star" license plates and "Bronze Star Medal" license plates; "4-H license plates" and to provide that money from contributions for the license plates be used to pay for the educational activities of the 4-H Youth Development Program of the Ohio State University Extension Program; "Ohio Cattlemen's Foundation Beef" license plates and to provide that money from contributions for the license plates be used to pay for scholarships and other educational activities of the Ohio Cattlemen's Foundation; "Share the Road" license plate; the "Pets" license plate, the Pets Program Funding Board, and the Pet Support Fund and to provide that moneys in the fund be used to support programs for the sterilization of dogs and cats, and for educational programs concerning the proper veterinary care of those animals; "Breast Cancer Awareness" license plates and to provide that money from contributions for the license plates be used to pay for programs that provide assistance and education to Ohio breast cancer patients and that improve access to quality health care and clinical trials through the Breast Cancer Fund of Ohio; "Rock and Roll Hall of Fame" license plates; "Mahoning River" license plates; four different "Sportsmen's License Plates," featuring either the walleye, smallmouth bass, white-tailed deer, or wild turkey; "Smokey Bear" license plates; "Ohio State Parks" license plates; "Ohio Zoo" license plates; "Perry Monument" license plates; "National Rifle Association Foundation" license plates; to provide an additional procedure for the issuance of license plates bearing the logo of a professional sports team; to increase the competitive bid threshold for the Ohio Turnpike Commission; to allow the Ohio Turnpike Commission to decrease toll rates without holding public hearings; 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 85, nays 12, as follows:

Those who voted in the affirmative were: Representatives

|           |           |            |          |
|-----------|-----------|------------|----------|
| Aslanides | Barrett   | Beatty     | Blasdel  |
| Boccieri  | Book      | Brown      | Buehrer  |
| Calvert   | Carano    | Carmichael | Cates    |
| Chandler  | Cirelli   | Clancy     | Collier  |
| Combs     | Core      | DeBose     | DeGeeter |
| DeWine    | Distel    | Domenick   | Driehaus |
| Evans D.  | Flowers   | Gibbs      | Gilb     |
| Grendell  | Hagan     | Hartnett   | Harwood  |
| Hoops     | Hughes    | Husted     | Jerse    |
| Kearns    | Key       | Kilbane    | Koziura  |
| Latta     | Martin    | Mason      | McGregor |
| Miller    | Oelslager | Olman      | Otterman |
| Patton S. | Patton T. | Peterson   | Price    |

|           |          |            |                 |
|-----------|----------|------------|-----------------|
| Raga      | Rausen   | Redfern    | Reidelbach      |
| Reinhard  | Schaffer | Schlichter | Schmidt         |
| Schneider | Seitz    | Setzer     | Skindell        |
| Slaby     | Smith G. | Stewart D. | Stewart J.      |
| Strahorn  | Sykes    | Taylor     | Trakas          |
| Ujvagi    | Wagner   | Walcher    | Webster         |
| White     | Widener  | Widowfield | Willamowski     |
| Wilson    | Wolpert  | Woodard    | Young           |
|           |          |            | Householder-85. |

Those who voted in the negative were: Representatives

|          |          |           |           |
|----------|----------|-----------|-----------|
| Allen    | Brinkman | Callender | Daniels   |
| Evans C. | Faber    | Fessler   | Hollister |
| Niehaus  | Perry    | Smith S.  | Yates-12. |

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

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

Representative Schlichter moved that the Senate amendments to **Sub. H.B. No. 329** -Representative Schlichter, et al., be informally passed and retain their place on the calender.

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

The yeas and nays were taken and resulted - yeas 39, nays 55, as follows:

Those who voted in the affirmative were: Representatives

|            |             |           |             |
|------------|-------------|-----------|-------------|
| Aslanides  | Barrett     | Blasdel   | Calvert     |
| Carmichael | Cates       | Clancy    | Collier     |
| Core       | Daniels     | DeWine    | Evans D.    |
| Flowers    | Gibbs       | Hollister | Hoops       |
| Hughes     | Kearns      | Martin    | McGregor    |
| Niehaus    | Oelslager   | Peterson  | Raga        |
| Rausen     | Reidelbach  | Reinhard  | Schaffer    |
| Schlichter | Setzer      | Slaby     | Stewart J.  |
| Taylor     | Trakas      | Webster   | White       |
| Widener    | Willamowski |           | Wolpert-39. |

Those who voted in the negative were: Representatives

|           |          |           |           |
|-----------|----------|-----------|-----------|
| Allen     | Beatty   | Bocchieri | Book      |
| Brinkman  | Brown    | Buehrer   | Callender |
| Carano    | Chandler | Cirelli   | Combs     |
| DeBose    | DeGeeter | Distel    | Domenick  |
| Driehaus  | Evans C. | Faber     | Fessler   |
| Gilb      | Grendell | Hagan     | Hartnett  |
| Harwood   | Husted   | Jerse     | Key       |
| Koziura   | Latta    | Mason     | Miller    |
| Oلمان     | Otterman | Patton S. | Patton T. |
| Perry     | Price    | Redfern   | Schmidt   |
| Schneider | Seitz    | Skindell  | Smith S.  |

|            |          |        |                 |
|------------|----------|--------|-----------------|
| Stewart D. | Strahorn | Sykes  | Ujvagi          |
| Wagner     | Walcher  | Wilson | Woodard         |
| Yates      | Young    |        | Householder-55. |

The motion was not agreed to.

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

Representative Trakas moved the previous question. This motion under House Rule 99 is supported by the following members:

|                 |                    |
|-----------------|--------------------|
| JAMIE CALLENDER | CHARLES R. BLASDEL |
| JIM ASLANIDES   | JON A. HUSTED      |
| THOM COLLIER    |                    |

The question being, "Shall the debate now close?"

The yeas and nays were taken and resulted - yeas 71, nays 26, as follows:

Those who voted in the affirmative were: Representatives

|            |            |             |                 |
|------------|------------|-------------|-----------------|
| Allen      | Aslanides  | Barrett     | Blasdel         |
| Brinkman   | Brown      | Buehrer     | Callender       |
| Carmichael | Cates      | Chandler    | Clancy          |
| Collier    | Combs      | Core        | Daniels         |
| DeBose     | DeGeeter   | DeWine      | Driehaus        |
| Evans D.   | Faber      | Fessler     | Flowers         |
| Gibbs      | Gilb       | Grendell    | Hagan           |
| Hartnett   | Hollister  | Hoops       | Hughes          |
| Husted     | Jerse      | Kearns      | Kilbane         |
| Latta      | Martin     | McGregor    | Niehaus         |
| Oelslager  | Olman      | Perry       | Peterson        |
| Raga       | Rausen     | Redfern     | Reidelbach      |
| Reinhard   | Schaffer   | Schlichter  | Schmidt         |
| Schneider  | Seitz      | Setzer      | Slaby           |
| Smith G.   | Stewart J. | Taylor      | Trakas          |
| Wagner     | Walcher    | Webster     | White           |
| Widener    | Widowfield | Willamowski | Wilson          |
| Wolpert    | Young      |             | Householder-71. |

Those who voted in the negative were: Representatives

|            |           |          |           |
|------------|-----------|----------|-----------|
| Beatty     | Bocchieri | Book     | Calvert   |
| Carano     | Cirelli   | Distel   | Domenick  |
| Evans C.   | Harwood   | Key      | Koziura   |
| Mason      | Miller    | Otterman | Patton S. |
| Patton T.  | Price     | Skindell | Smith S.  |
| Stewart D. | Strahorn  | Sykes    | Ujvagi    |
| Woodard    |           |          | Yates-26. |

The motion was agreed to and the debate closed.

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

The yeas and nays were taken and resulted - yeas 56, nays 40, as follows:

Those who voted in the affirmative were: Representatives

|             |            |          |                 |
|-------------|------------|----------|-----------------|
| Allen       | Aslanides  | Barrett  | Blasdel         |
| Boccieri    | Book       | Buehrer  | Callender       |
| Carmichael  | Cates      | Chandler | Clancy          |
| Collier     | Core       | DeWine   | Evans D.        |
| Flowers     | Gibbs      | Gilb     | Grendell        |
| Hagan       | Hoops      | Hughes   | Husted          |
| Jerse       | Kearns     | Kilbane  | Latta           |
| Martin      | McGregor   | Miller   | Niehaus         |
| Oelslager   | Olman      | Otterman | Peterson        |
| Redfern     | Reidelbach | Reinhard | Schaffer        |
| Schlichter  | Seitz      | Setzer   | Slaby           |
| Smith G.    | Stewart J. | Trakas   | Wagner          |
| Walcher     | Webster    | Widener  | Widowfield      |
| Willamowski | Wolpert    | Young    | Householder-56. |

Those who voted in the negative were: Representatives

|           |          |           |            |
|-----------|----------|-----------|------------|
| Beatty    | Brinkman | Brown     | Calvert    |
| Carano    | Cirelli  | Combs     | Daniels    |
| DeBose    | DeGeeter | Distel    | Domenick   |
| Driehaus  | Evans C. | Faber     | Fessler    |
| Hartnett  | Harwood  | Hollister | Key        |
| Koziura   | Mason    | Patton T. | Perry      |
| Price     | Raga     | Raussen   | Schmidt    |
| Schneider | Skindell | Smith S.  | Stewart D. |
| Strahorn  | Sykes    | Taylor    | Ujvagi     |
| White     | Wilson   | Woodard   | Yates-40.  |

The Senate amendments were not concurred in.

The Senate amendments to **Am. Sub. H. B. No. 361**-Representative Flowers, et al., were taken up for consideration.

**Am. Sub. H. B. No. 361**-Representatives Flowers, Niehaus, Olman, Reinhard, Faber, Seitz, Allen, Harwood, Martin, Daniels, Strahorn, Carmichael, Beatty, D. Evans, Hagan, Sferra, Sykes. -Senators Roberts, Schuler, Blessing, DiDonato, Robert Gardner, Goodman, Mallory. To amend sections 2307.64, 2913.01, 4931.40, 4931.41, 4931.43, 4931.44, 4931.45, 4931.46, 4931.47, 4931.48, 4931.49, 4931.50, 4931.55, 4931.99, and 5733.55; to amend, for the purpose of adopting a new section number as shown in parentheses, section 4931.55 (4931.75); and to enact sections 4931.60 to 4931.70 of the Revised Code to facilitate the provision of wireless enhanced 9-1-1 by local governments, by establishing requirements for operation, administration, and funding; to permit a wireline telephone company to fund through an existing tax credit nonrecurring rates and charges for an updating or modernization of the wireline network portion of a 9-1-1 system that is not related to wireless enhanced 9-1-1; and to allow a civil action against certain unauthorized facsimile transmissions.

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

Representative Flowers moved that the Senate amendments to **Am. Sub. H.B. No. 361** - Representative Flowers, et al., be informally passed and retain their place on the calendar.

The motion was agreed to.

The Senate amendments to **Sub. H. B. No. 377**-Representative Raga, et al., were taken up for consideration.

**Sub. H. B. No. 377**-Representatives Raga, Calvert, Carmichael, Cirelli, Clancy, Daniels, C. Evans, D. Evans, Flowers, Hagan, Martin, T. Patton, Schaffer, Schlichter, Schneider, Slaby, G. Smith, J. Stewart, Willamowski. -Senators Wachtmann, Schuring, Blessing, Spada. To amend sections 4729.25 and 4729.26, to enact sections 4729.75 to 4729.84, and to repeal sections 4729.63 and 4729.66 of the Revised Code to permit the State Board of Pharmacy to establish and maintain a drug database to monitor the misuse and diversion of controlled substances and certain dangerous drugs.

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

The yeas and nays were taken and resulted - yeas 94, nays 3, as follows:

Those who voted in the affirmative were: Representatives

|             |            |           |                 |
|-------------|------------|-----------|-----------------|
| Allen       | Aslanides  | Barrett   | Beatty          |
| Blasdel     | Bocchieri  | Book      | Brinkman        |
| Brown       | Buehrer    | Callender | Calvert         |
| Carano      | Carmichael | Cates     | Chandler        |
| Cirelli     | Clancy     | Collier   | Combs           |
| Core        | Daniels    | DeBose    | DeGeeter        |
| DeWine      | Distel     | Domenick  | Driehaus        |
| Evans C.    | Evans D.   | Faber     | Flowers         |
| Gibbs       | Gilb       | Grendell  | Hagan           |
| Hartnett    | Harwood    | Hollister | Hoops           |
| Hughes      | Husted     | Jerse     | Kearns          |
| Key         | Kilbane    | Koziura   | Latta           |
| Martin      | Mason      | McGregor  | Miller          |
| Niehaus     | Oelslager  | Olman     | Otterman        |
| Patton S.   | Patton T.  | Perry     | Peterson        |
| Price       | Raga       | Raussen   | Redfern         |
| Reidelbach  | Reinhard   | Schaffer  | Schlichter      |
| Schmidt     | Schneider  | Seitz     | Setzer          |
| Slaby       | Smith G.   | Smith S.  | Stewart D.      |
| Stewart J.  | Strahorn   | Sykes     | Taylor          |
| Trakas      | Ujvagi     | Wagner    | Walcher         |
| Webster     | White      | Widener   | Widowfield      |
| Willamowski | Wilson     | Wolpert   | Woodard         |
| Young       |            |           | Householder-94. |

Representatives Fessler, Skindell, and Yates voted in the negative-3.

The Senate amendments were concurred in.

The Senate amendments to **Am. Sub. H. B. No. 432**-Representative Webster, et al., were taken up for consideration.

**Am. Sub. H. B. No. 432**-Representatives Webster, McGregor, Wolpert,



Niehaus, Aslanides, Setzer, Flowers. -Senators Spada, Armbruster, Jacobson. To amend sections 3714.01, 3714.09, and 3734.02, to enact new section 3714.07 and sections 3714.021, 3714.071, and 3714.072, and to repeal section 3714.07 of the Revised Code to replace the construction and demolition debris facility license fee with a fee on the disposal of construction and demolition debris at construction and demolition debris facilities and solid waste facilities, to authorize the Director of Environmental Protection to levy an additional disposal fee at a construction and demolition debris facility to pay for ground water monitoring at construction and demolition debris facilities, to require ground water monitoring at construction and demolition debris facilities under certain circumstances, to revise the definition of "construction and demolition debris," and to extend the term of hazardous waste facility installation and operation permits from five to ten years.

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

The yeas and nays were taken and resulted - yeas 38, nays 58, as follows:

Those who voted in the affirmative were: Representatives

|          |            |            |                 |
|----------|------------|------------|-----------------|
| Allen    | Barrett    | Beatty     | Bocchieri       |
| Book     | Brinkman   | Brown      | Buehrer         |
| Carano   | Chandler   | Cirelli    | Clancy          |
| DeGeeter | Domenick   | Driehaus   | Harwood         |
| Jerse    | Key        | Koziura    | Mason           |
| Miller   | Olman      | Patton S.  | Patton T.       |
| Perry    | Peterson   | Redfern    | Skindell        |
| Smith S. | Stewart D. | Stewart J. | Strahorn        |
| Sykes    | Ujvagi     | White      | Wilson          |
| Woodard  |            |            | Householder-38. |

Those who voted in the negative were: Representatives

|            |            |             |           |
|------------|------------|-------------|-----------|
| Aslanides  | Blasdel    | Callender   | Calvert   |
| Carmichael | Cates      | Collier     | Combs     |
| Core       | Daniels    | DeBose      | DeWine    |
| Distel     | Evans C.   | Evans D.    | Faber     |
| Fessler    | Flowers    | Gibbs       | Gilb      |
| Grendell   | Hagan      | Hartnett    | Hollister |
| Hoops      | Hughes     | Husted      | Kearns    |
| Kilbane    | Latta      | Martin      | McGregor  |
| Niehaus    | Oelslager  | Otterman    | Price     |
| Raga       | Rausen     | Reidelbach  | Reinhard  |
| Schaffer   | Schlichter | Schmidt     | Schneider |
| Setzer     | Slaby      | Smith G.    | Taylor    |
| Trakas     | Wagner     | Walcher     | Webster   |
| Widener    | Widowfield | Willamowski | Wolpert   |
| Yates      |            |             | Young-58. |

The Senate amendments were not concurred in.

The Senate amendments to **Am. Sub. H. B. No. 454**-Representative White, et al., were taken up for consideration.

**Am. Sub. H. B. No. 454**-Representative White, et al.

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

The yeas and nays were taken and resulted - yeas 96, nays 1, as follows:

Those who voted in the affirmative were: Representatives

|            |             |           |                 |
|------------|-------------|-----------|-----------------|
| Allen      | Aslanides   | Barrett   | Beatty          |
| Blasdel    | Bocchieri   | Book      | Brinkman        |
| Brown      | Buehrer     | Callender | Calvert         |
| Carano     | Carmichael  | Cates     | Chandler        |
| Cirelli    | Clancy      | Collier   | Combs           |
| Core       | Daniels     | DeBose    | DeGeeter        |
| DeWine     | Distel      | Domenick  | Driehaus        |
| Evans C.   | Evans D.    | Faber     | Fessler         |
| Flowers    | Gibbs       | Gilb      | Grendell        |
| Hagan      | Hartnett    | Harwood   | Hollister       |
| Hoops      | Hughes      | Husted    | Jerse           |
| Kearns     | Key         | Kilbane   | Koziura         |
| Latta      | Martin      | Mason     | McGregor        |
| Miller     | Niehaus     | Oelslager | Olman           |
| Otterman   | Patton S.   | Patton T. | Perry           |
| Peterson   | Price       | Raga      | Raussen         |
| Redfern    | Reidelbach  | Reinhard  | Schaffer        |
| Schlichter | Schmidt     | Schneider | Seitz           |
| Setzer     | Skindell    | Smith G.  | Smith S.        |
| Stewart D. | Stewart J.  | Strahorn  | Sykes           |
| Taylor     | Trakas      | Ujvagi    | Wagner          |
| Walcher    | Webster     | White     | Widener         |
| Widowfield | Willamowski | Wilson    | Wolpert         |
| Woodard    | Yates       | Young     | Householder-96. |

Representative Slaby voted in the negative-1.

The Senate amendments were concurred in.

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

Representative DeGeeter submitted the following report:

The standing committee on Juvenile and Family Law to which was referred **Sub. S. B. No. 148**-Senator Austria, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CHILD DAY CARE LAW - REVISE

Representative Gilb moved to amend the title as follows:

Add the names: "Representatives Gilb, Walcher, DeGeeter, Harwood, Reidelbach, Skindell, Slaby, S. Smith, Widowfield, Willamowski."

SANDRA STABILE HARWOOD  
JOHN WIDOWFIELD  
KATHLEEN WALCHER

MARILYN SLABY  
LINDA REIDELBACH  
SHIRLEY A. SMITH

JOHN R. WILLAMOWSKI  
MIKE GILB

TIMOTHY J. DEGEETER  
MICHAEL J. SKINDELL

The report was agreed to.

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

### BILLS FOR THIRD CONSIDERATION

**Sub. S. B. No. 66**-Senators Schuring, Stivers, Jacobson, Dann, Fedor, Miller, Brady, Armbruster, Carey, Mumper, Prentiss, Roberts, Spada, Zurz. -Representatives Gilb, Walcher, DeGeeter, Harwood, Hollister, Reidelbach, Skindell, Slaby, Widowfield, Willamowski.

To amend sections 2151.421, 3109.17, and 3109.18 and to enact sections 2151.425, 2151.426, 2151.427, 2151.428, 3109.171, and 3109.172 of the Revised Code to permit counties to establish Children's Advocacy Centers to perform and provide certain functions, activities, and services relative to reports of child sexual abuse or other types of abuse of a child over which the document creating the center gives it jurisdiction; to require the Children's Trust Fund Board to develop and provide to certain entities and persons a list of funding sources for establishing or operating a Children's Advocacy Center; to permit child abuse and child neglect prevention advisory boards to request up to \$5,000 per county out of Children's Trust Fund Board funds as one-time, start-up costs for a Children's Advocacy Center; to permit children's advocacy centers to annually request funds from the Children's Trust Fund Board to conduct primary prevention strategies; and to provide the Children's Trust Fund Board with more authority and flexibility to approve, revise, or deny a child abuse and child neglect prevention advisory board's local plan, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 97, nays 0, as follows:

Those who voted in the affirmative were: Representatives

|          |            |           |           |
|----------|------------|-----------|-----------|
| Allen    | Aslanides  | Barrett   | Beatty    |
| Blasdel  | Bocchieri  | Book      | Brinkman  |
| Brown    | Buehrer    | Callender | Calvert   |
| Carano   | Carmichael | Cates     | Chandler  |
| Cirelli  | Clancy     | Collier   | Combs     |
| Core     | Daniels    | DeBose    | DeGeeter  |
| DeWine   | Distel     | Domenick  | Driehaus  |
| Evans C. | Evans D.   | Faber     | Fessler   |
| Flowers  | Gibbs      | Gilb      | Grendell  |
| Hagan    | Hartnett   | Harwood   | Hollister |
| Hoops    | Hughes     | Husted    | Jerse     |
| Kearns   | Key        | Kilbane   | Koziura   |
| Latta    | Martin     | Mason     | McGregor  |

|            |            |             |                 |
|------------|------------|-------------|-----------------|
| Miller     | Niehaus    | Oelslager   | Olman           |
| Otterman   | Patton S.  | Patton T.   | Perry           |
| Peterson   | Price      | Raga        | Raussen         |
| Redfern    | Reidelbach | Reinhard    | Schaffer        |
| Schlichter | Schmidt    | Schneider   | Seitz           |
| Setzer     | Skindell   | Slaby       | Smith G.        |
| Smith S.   | Stewart D. | Stewart J.  | Strahorn        |
| Sykes      | Taylor     | Trakas      | Ujvagi          |
| Wagner     | Walcher    | Webster     | White           |
| Widener    | Widowfield | Willamowski | Wilson          |
| Wolpert    | Woodard    | Yates       | Young           |
|            |            |             | Householder-97. |

The bill passed.

Representative Gilb moved to amend the title as follows:

Add the names: "Allen, Barrett, Beatty, Brown, Carmichael, Chandler, Cirelli, DeBose, Domenick, C. Evans, Faber, Gibbs, Key, Martin, Miller, Niehaus, Oelslager, Otterman, Perry, Price, G. Smith, D. Stewart, Strahorn, Widener."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 80**-Senators Stivers, Hottinger, Goodman, Wachtmann, Amstutz, Randy Gardner, Austria, Nein, Schuring, Armbruster, Coughlin, Carey, Harris, Mumper, Schuler.

To amend sections 1775.14, 2117.06, 2125.02, 2125.04, 2305.01, 2305.03, 2305.10, 2305.25, 2307.011, 2307.23, 2307.29, 2307.60, 2307.71, 2307.75, 2307.80, 2315.01, 2315.21, 2315.32, 2315.33, 2315.34, 2315.36, 2323.51, 2505.02, 4507.07, and 4513.263; to enact sections 2305.131, 2307.711, 2315.19, 2315.20, and 2323.44; and to repeal sections 2315.41, 2315.42, 2315.43, 2315.44, 2315.45, and 2315.46 of the Revised Code to make changes related to the award of certain damages, collateral benefits evidence, and contributory fault in tort actions; to establish a statute of repose for certain product liability claims and claims based on unsafe conditions of real property improvements and to make other changes related to product liability claims; to provide that the product liability statutes are intended to abrogate common law product liability causes of action; to enact a conflicts of law provision for statutes of limitation in civil actions; to modify the provisions on frivolous conduct in filing civil actions; and to make other changes related to civil actions, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Oelslager moved that **Sub. S. B. No. 80**-Senator Stivers, et al., be informally passed and retain its place on the calendar.

The motion was agreed to.

**Sub. S. B. No. 115**-Senator Robert Gardner.

To amend sections 505.75, 711.001, 711.10, 711.131, 711.132, 713.21, and 713.22 and to enact section 711.133 of the Revised Code to permit the exemption from the definition of "subdivision" in the Platting Law of certain parcels of land, to permit the regulation of certain parcels between four and twenty acres for approval without plat, to change the procedure for the approval of plats by county or regional planning commissions, to provide different methods for implementing the statute authorizing the approval of certain subdivisions without the submission of a plat, to permit the payment of compensation to the appointive members of county or regional planning commissions, to permit townships to contract with other townships to administer and enforce building regulations, and to authorize the conveyance of certain state-owned real estate located in Summit County, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Daniels moved that **Sub. S. B. No. 115**-Senator Robert Gardner, be informally passed and retain its place on the calendar.

The motion was agreed to.

**S. B. No. 160**-Senators Wachtmann, Amstutz, Blessing, Carey, Robert Gardner, Goodman, Harris, Jacobson, Jordan, Schuler, Schuring, Spada, Stivers, Fedor, Armbruster, Dann, Padgett. -Representatives Gilb, Walcher, DeGeeter, Harwood, Hollister, Reidelbach, Skindell, Slaby, Widowfield, Willamowski.

To amend section 2905.05 of the Revised Code to specifically identify vessels as places that are within the offense of criminal child enticement, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 97, nays 0, as follows:

Those who voted in the affirmative were: Representatives

|          |            |           |           |
|----------|------------|-----------|-----------|
| Allen    | Aslanides  | Barrett   | Beatty    |
| Blasdel  | Bocchieri  | Book      | Brinkman  |
| Brown    | Buehrer    | Callender | Calvert   |
| Carano   | Carmichael | Cates     | Chandler  |
| Cirelli  | Clancy     | Collier   | Combs     |
| Core     | Daniels    | DeBose    | DeGeeter  |
| DeWine   | Distel     | Domenick  | Driehaus  |
| Evans C. | Evans D.   | Faber     | Fessler   |
| Flowers  | Gibbs      | Gilb      | Grendell  |
| Hagan    | Hartnett   | Harwood   | Hollister |
| Hoops    | Hughes     | Husted    | Jerse     |

|            |            |             |                 |
|------------|------------|-------------|-----------------|
| Kearns     | Key        | Kilbane     | Koziura         |
| Latta      | Martin     | Mason       | McGregor        |
| Miller     | Niehaus    | Oelslager   | Olman           |
| Otterman   | Patton S.  | Patton T.   | Perry           |
| Peterson   | Price      | Raga        | Raussen         |
| Redfern    | Reidelbach | Reinhard    | Schaffer        |
| Schlichter | Schmidt    | Schneider   | Seitz           |
| Setzer     | Skindell   | Slaby       | Smith G.        |
| Smith S.   | Stewart D. | Stewart J.  | Strahorn        |
| Sykes      | Taylor     | Trakas      | Ujvagi          |
| Wagner     | Walcher    | Webster     | White           |
| Widener    | Widowfield | Willamowski | Wilson          |
| Wolpert    | Woodard    | Yates       | Young           |
|            |            |             | Householder-97. |

The bill passed.

Representative Gilb moved to amend the title as follows:

Add the names: "Allen, Aslanides, Barrett, Beatty, Boccieri, Book, Brown, Buehrer, Calvert, Carano, Carmichael, Cates, Chandler, Cirelli, Collier, Daniels, DeBose, Distel, Domenick, C. Evans, D. Evans, Fessler, Flowers, Gibbs, Grendell, Hagan, Hoops, Hughes, Key, Koziura, Latta, Martin, Mason, McGregor, Miller, Niehaus, Oelslager, Otterman, T. Patton, Perry, Price, Raga, Schaffer, Schneider, Setzer, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Sykes, Taylor, Ujvagi, Wagner, Webster, Widener, Woodard."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 234**-Senator Mumper.

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 required 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; to authorize the conveyance of certain state-owned land in Madison County to the Kirkwood Cemetery Association; and to permit, for a limited time, the abatement of unpaid property taxes, penalties, and interest owed on property owned by the state or a board of education that would have been tax-exempt except for a failure to comply with certain tax exemption procedures, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Carmichael moved to amend as follows:

In line 689, delete "a buyer or buyers to be"

Delete line 690

In line 691, delete everything before "successors" and insert "the Board of County Commissioners of Wayne County, and its"; delete "or heirs and"

In line 692, delete "assigns"

In line 722, delete everything after "(B)" and insert "Consideration for the conveyance of the real estate described in division (A) of this section is a purchase price equal to the appraised value of the real estate plus the cost of the appraisal of the real estate."

Delete lines 723 through 751

In line 752, delete "(E)" and insert "(C)"; delete "ten per cent of the"

In line 753, delete everything before the comma

Delete line 760

In line 761, delete everything before "The"; delete the second "grantee" and insert "Board of County Commissioners of Wayne County"

In line 764, delete "(F)" and insert "(D)"

In line 769, delete "(G)" and insert "(E)"

In line 16 of the title, delete everything after "authorize"

Delete line 17 of the title

In line 18 of the title, delete "a later date," and insert "the sale to the Board of County Commissioners of Wayne County of"

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

The motion was agreed to without objection.

The question being, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 96, nays 0, as follows:

Those who voted in the affirmative were: Representatives

|            |             |           |                 |
|------------|-------------|-----------|-----------------|
| Allen      | Aslanides   | Barrett   | Beatty          |
| Blasdel    | Bocchieri   | Book      | Brinkman        |
| Brown      | Buehrer     | Callender | Calvert         |
| Carano     | Carmichael  | Cates     | Chandler        |
| Cirelli    | Clancy      | Collier   | Combs           |
| Core       | Daniels     | DeBose    | DeGeeter        |
| DeWine     | Distel      | Domenick  | Driehaus        |
| Evans C.   | Evans D.    | Faber     | Fessler         |
| Flowers    | Gibbs       | Gilb      | Grendell        |
| Hagan      | Hartnett    | Harwood   | Hollister       |
| Hoops      | Hughes      | Husted    | Jerse           |
| Kearns     | Key         | Kilbane   | Koziura         |
| Latta      | Martin      | Mason     | McGregor        |
| Miller     | Niehaus     | Oelslager | Olman           |
| Otterman   | Patton S.   | Patton T. | Perry           |
| Peterson   | Price       | Raga      | Rausen          |
| Redfern    | Reidelbach  | Reinhard  | Schaffer        |
| Schlichter | Schmidt     | Schneider | Seitz           |
| Setzer     | Skindell    | Slaby     | Smith S.        |
| Stewart D. | Stewart J.  | Strahorn  | Sykes           |
| Taylor     | Trakas      | Ujvagi    | Wagner          |
| Walcher    | Webster     | White     | Widener         |
| Widowfield | Willamowski | Wilson    | Wolpert         |
| Woodard    | Yates       | Young     | Householder-96. |

The bill passed.

Representative Carmichael moved to amend the title as follows:

Add the names: "Representatives Carmichael, C. Evans, Martin."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 330**-Representatives Hartnett, Book, Gilb, Jerse, Fessler, S. Patton, Redfern, Strahorn, Skindell, Widener, Bocchieri, Niehaus, Barrett, Harwood, Perry, Allen, Distel, Schaffer, Chandler, Carano, Key, Taylor,



Sferra, Beatty, Ujvagi, Setzer, C. Evans, Seaver.

To amend sections 3301.0710 and 3301.0711 of the Revised Code to change the dates by which certain achievement tests are administered and the results are released to school districts, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 97, nays 0, as follows:

Those who voted in the affirmative were: Representatives

|            |            |             |                 |
|------------|------------|-------------|-----------------|
| Allen      | Aslanides  | Barrett     | Beatty          |
| Blasdel    | Bocchieri  | Book        | Brinkman        |
| Brown      | Buehrer    | Callender   | Calvert         |
| Carano     | Carmichael | Cates       | Chandler        |
| Cirelli    | Clancy     | Collier     | Combs           |
| Core       | Daniels    | DeBose      | DeGeeter        |
| DeWine     | Distel     | Domenick    | Driehaus        |
| Evans C.   | Evans D.   | Faber       | Fessler         |
| Flowers    | Gibbs      | Gilb        | Grendell        |
| Hagan      | Hartnett   | Harwood     | Hollister       |
| Hoops      | Hughes     | Husted      | Jerse           |
| Kearns     | Key        | Kilbane     | Koziura         |
| Latta      | Martin     | Mason       | McGregor        |
| Miller     | Niehaus    | Oelslager   | Olman           |
| Otterman   | Patton S.  | Patton T.   | Perry           |
| Peterson   | Price      | Raga        | Raussen         |
| Redfern    | Reidelbach | Reinhard    | Schaffer        |
| Schlichter | Schmidt    | Schneider   | Seitz           |
| Setzer     | Skindell   | Slaby       | Smith G.        |
| Smith S.   | Stewart D. | Stewart J.  | Strahorn        |
| Sykes      | Taylor     | Trakas      | Ujvagi          |
| Wagner     | Walcher    | Webster     | White           |
| Widener    | Widowfield | Willamowski | Wilson          |
| Wolpert    | Woodard    | Yates       | Young           |
|            |            |             | Householder-97. |

The bill passed.

Representative Hartnett moved to amend the title as follows:

Add the names: "Aslanides, Brown, Carmichael, Cirelli, Clancy, Collier, DeBose, DeGeeter, Domenick, Driehaus, Flowers, Hollister, Hughes, Koziura, Martin, McGregor, Oelslager, Otterman, T. Patton, Peterson, Price, Raussen, Reidelbach, Schmidt, Slaby, D. Stewart, J. Stewart, Sykes, Webster, Wilson, Woodard, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Clancy, the House recessed.

The House met pursuant to recess.

Representative Cates 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 Senate Bills be considered for the second time and referred to the following committees for consideration:

**Sub. S.B. No. 218 - Senator Amstutz, et al**

TO PROVIDE TEMPORARY COMPENSATION TO VENDORS AS THEY BEGIN TO IMPLEMENT DESTINATION-BASED SOURCING OF THEIR SALES, TO ESTABLISH A PROCEDURE TO COMPENSATE IMPACTED COUNTIES FOR SALES TAX LOSSES INCURRED UNDER DESTINATION-BASED SOURCING, TO REQUIRE THE TAX COMMISSIONER TO WORK WITH STATES THAT ARE IMPLEMENTING THE STREAMLINED SALES AND USE TAX AGREEMENT TO ENCOURAGE THE ADOPTION OF AN AMENDMENT THAT ALLOWS CERTAIN VENDORS TO SOURCE SALES AT THE VENDOR'S PLACE OF BUSINESS, AND TO MAKE CHANGES TO THE SALES TAX LAW AND THE INTERSTATE STREAMLINED SALES AND USE TAX SYSTEM LAW TO COMPLY WITH THE AGREEMENT

To the committee on Ways and Means

**Sub. S.B. No. 279 - Senator Robert Gardner, et al**

TO CHANGE THE CRITERIA FOR IMPOSING SANCTIONS ON SCHOOL DISTRICTS UNDER THE NO CHILD LEFT BEHIND ACT, TO MAKE OTHER CHANGES TO COMPLY WITH THAT ACT, TO MAKE TEACHERS EMPLOYED BY CHARTERED NONPUBLIC SCHOOLS ELIGIBLE FOR STIPENDS FOR HOLDING VALID CERTIFICATES OR LICENSES ISSUED BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS, TO REQUIRE THE DEPARTMENT OF EDUCATION TO PAY THOSE STIPENDS TO QUALIFIED NONPUBLIC SCHOOL TEACHERS FOR THE 2003-2004 SCHOOL YEAR, TO ALLOW SPECIFIED STUDENTS TO SUBSTITUTE PASSAGE OF THE OHIO GRADUATION TEST IN A PARTICULAR SUBJECT FOR PASSAGE OF THE NINTH GRADE PROFICIENCY TEST IN THAT SUBJECT TO SATISFY DIPLOMA REQUIREMENTS, AND TO REQUIRE SCHOOL DISTRICTS TO GRANT PROFESSIONAL LEAVE TO THEIR EMPLOYEES WHO ARE MEMBERS OF THE EDUCATOR STANDARDS BOARD

To the committee on Education

LARRY HOUSEHOLDER  
JIM CARMICHAEL  
LARRY L. FLOWERS  
JON M. PETERSON  
JAMES PETER TRAKAS  
DIXIE J. ALLEN  
EDWARD JERSE  
CHARLES A. WILSON

GARY W. CATES  
PATRICIA M. CLANCY  
THOMAS F. PATTON  
JOHN SCHLICHTER  
KATHLEEN WALCHER  
KENNETH A. CARANO  
ROBERT J. OTTERMAN

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 Senate Bills contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said 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 Resolutions be read by title only and approved:

**H.R. No. 284 - Representative G. Smith**

HONORING THE OHIO STATE UNIVERSITY MEN'S LACROSSE TEAM AS THE 2004 GREAT WESTERN LACROSSE LEAGUE CHAMPION

**H.R. No. 285 - Representative G. Smith**

HONORING THE UPPER ARLINGTON HIGH SCHOOL BOYS WATER POLO TEAM ON WINNING THE 2004 STATE CHAMPIONSHIP

**H.R. No. 286 - Representative G. Smith**

HONORING THE UPPER ARLINGTON HIGH SCHOOL GIRLS WATER POLO TEAM ON WINNING THE 2004 STATE CHAMPIONSHIP

**H.R. No. 295 - Representative Hughes**

HONORING BISHOP WATTERSON HIGH SCHOOL BOYS GOLF TEAM AS THE 2004 DIVISION I STATE CHAMPION

**H.R. No. 296 - Representatives Kearns, Widener**

HONORING THE CITY OF SPRINGFIELD AS A 2004 ALL-AMERICAN CITY

**H.R. No. 297 - Speaker Householder, Representatives Allen, DeBose, Book, Daniels, J., Stewart, Carano, Hollister, Aslanides, Skindell, Ujvagi, McGregor, Latta, Buehrer, C. Evans, T. Patton, Miller, Distel, Perry, Schlichter, Cirelli, Hughes, Boccieri, S. Patton, Setzer, Husted, Calvert, D.**

**Evans, Reidelbach, Seitz, Price, S. Smith, Strahorn, Hartnett, Olman,  
Wagner, Harwood, Schmidt, Willamowski, Otterman**  
HONORING H. SAMUEL ORTH III ON HIS RETIREMENT

/s/ LARRY HOUSEHOLDER  
Larry Householder, 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.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate insists on its amendments to:

**Am. Sub. H. B. No. 432** - Representative Webster, 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 **Am. Sub. H.B. No. 432** - Representative Webster, et al., Representatives Webster, Hollister, and D. Stewart.

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:

**Am. Sub. H. B. No. 256** - Representatives Setzer, Fessler, McGregor, Allen, Seaver, Seitz, Sferra, Wolpert, Willamowski, Barrett, Carano, Chandler, Combs, C. Evans, Flowers, Hughes, Key, Martin, Otterman, T. Patton, Price, Schmidt, Webster Senator Jacobson

To amend sections 709.45 to 709.48 and to enact sections 709.461 and 709.462 of the Revised Code to revise the Merger Law and to permit certain limited home rule government townships to present referendum petitions at

specified special elections.

With the following additional amendments, in which the concurrence of the House is requested:

After line 367, insert:

**"Section 3.** (A) Notwithstanding any provisions of sections 504.14 and 731.29 of the Revised Code to the contrary, for one year after the effective date of this act, in any township with a population of fifty thousand or more that has adopted a limited home rule government, at the option of the board of township trustees, a referendum petition for the approval or rejection of a resolution adopted by the board may be submitted to the electors in the unincorporated territory of the township at a special election occurring earlier than the next general election. However, the special election must occur subsequent to seventy-five days after the township clerk certified the sufficiency and validity of the referendum petition to the board of elections. If a special election is chosen, the board of township trustees shall adopt a resolution so stating, and the clerk shall submit that resolution along with the referendum petition and the resolution that is being submitted for approval or rejection to the board of elections. Expenses of the special election shall be paid as provided in section 3501.17 of the Revised Code.

(B) Division (A) of this section shall apply only to a referendum petition that was certified as to its sufficiency and validity by a township clerk to a board of elections prior to the effective date of this act and that is pending submission to the electors in the unincorporated territory of the township on the effective date of this act."

In line 3 of the title, after "Law" insert "and to permit certain limited home rule government townships to present referendum petitions at specified special elections"

Attest:

Matthew T. Schuler,  
Clerk.

The Senate amendments were laid over under the Rule.

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. 331** - Representatives Schmidt, Schneider, Hughes, Clancy, Raga, Schlichter, Webster, T. Patton, Grendell, Flowers, Barrett, J. Stewart,

Miller, Allen, DeBose, McGregor, Latta, S. Patton, Key, Kearns, Brown, Jerse, Beatty, Harwood, Kilbane, Walcher, Price, G. Smith, S. Smith, Cirelli, Hollister, Reidelbach, Aslanides, Boccieri, Book, Buehrer, Callender, Carano, Carmichael, Cates, Chandler, Collier, Daniels, DeGeeter, Distel, Domenick, C. Evans, D. Evans, Faber, Gilb, Hagan, Hartnett, Hoops, Koziura, Martin, Mason, Oelslager, Olman, Otterman, Schaffer, Seaver, Setzer, Sferra, Skindell, Slaby, D. Stewart, Strahorn, Sykes, Taylor, Ujvagi, Widener, Widowfield, Willamowski, Wilson, Woodard, Yates Senators Hagan, Amstutz, Austria, Blessing, Brady, Carey, Coughlin, Dann, Fedor, Fingerhut, Goodman, Harris, Hottinger, Jacobson, Jordan, Mallory, Miller, Mumper, Nein, Padgett, Prentiss, Randy Gardner, Robert Gardner, Roberts, Schuring, Spada, Wachtmann, White, Zurz

To amend sections 1751.62, 3701.74, 3701.741, 3701.742, 3923.52, 3923.53, and 3923.54 of the Revised Code to cap the benefits health care plans provide for the expense of screening mammographies, an examination that the plans are required to cover, at 130% of the Medicare reimbursement rate, to continue and adjust fee schedules for copies of medical records, and to declare an emergency.

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 Senate

Mr. Speaker:

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

**Am. Sub. H. B. No. 411** - Representatives Seitz, Collier, Niehaus, McGregor, Aslanides, Schneider, Webster, Gilb, Wolpert, Schlichter, Sferra, Daniels, Flowers, Barrett, Boccieri, Driehaus, C. Evans, Grendell, Otterman, Peterson, Raussen, Setzer, Ujvagi, Yates Senators Jacobson, Robert Gardner

To amend sections 163.02, 163.09, 163.12, 303.02, 307.08, 307.79, 504.04, 504.19, 505.07, 505.375, 519.02, 3709.41, 6117.012, 6117.39, 6117.51, and 6119.11 and to enact sections 307.561, 504.21, 6101.181, and 6115.221 of the Revised Code to allow a county, township with a limited home rule government, conservancy district, sanitary district, county sewer district, or regional water and sewer district to appropriate, without a prior jury assessment of compensation for the taking, land for the construction of sewers

when the Director of Environmental Protection or a local board of health finds that unsanitary conditions compel the immediate construction of the sewers for the protection of the public health and welfare; to revise the rulemaking authority of a board of county commissioners that adopts rules governing erosion control, sediment control, and water management; to permit townships with a limited home rule government to adopt certain erosion control, sediment control, and water management rules; to establish a potential civil fine for violation of those rules; to authorize a board of county commissioners that has established a county sewer district to adopt rules governing the prevention of sewer back-ups; to exempt certain farm dwellings from certain sewer connections; to authorize the settlement of county-related court actions by consent decrees or court-approved settlement agreements that may include specified rezoning or development agreements; to make changes to the procedures relating to township consent decrees or court-approved settlement agreements; to permit fire and ambulance districts to enter into lease contracts with an option to purchase; to remove a reference to the Oil and Gas Law from the county and township zoning laws; and to require health district licensing councils to meet at least annually rather than quarterly.

As a substitute bill with the following additional amendment, in which the concurrence of the House is requested:

In line 35 of the title, delete "joint" and insert "fire and"

Attest:

Matthew T. Schuler,  
Clerk.

The Senate amendments were laid over under the Rule.

#### 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. 414** - Representatives Core, Wolpert, Setzer, Jerse, Allen, Ujvagi, Webster, Aslanides, Gibbs, Carmichael, Distel, Domenick, C. Evans, Faber, Niehaus, Reinhard, Schlichter, Calvert, Carano, Cates, Chandler, Collier, Daniels, D. Evans, Gilb, Grendell, Hartnett, Hollister, Latta, Otterman, Perry, Redfern, Schmidt, Seaver, Sferra, Strahorn, Yates  
Senator Mumper

To amend section 5709.85 and to enact sections 931.01 to 931.09, 931.99, and 5709.28 of the Revised Code to provide for the establishment of agricultural security areas, to limit development within those areas, and to

provide the opportunity for certain tax exemptions for land within those areas.

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 Senate

Mr. Speaker:

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

**Am. H. B. No. 498** - Representatives Faber, Buehrer, Young, Gibbs, Wagner, Seitz, Brinkman, Aslanides, Setzer, Reinhard, Combs, Hagan, Niehaus, Collier, Clancy, D. Evans, Schaffer, Fessler, Webster, Cates, Blasdel, Calvert, Carmichael, Core, Daniels, DeWine, C. Evans, Flowers, Gilb, Hollister, Hoops, Kearns, Martin, Peterson, Reidelbach, Schlichter, Schmidt, Schneider, Taylor, Widowfield, Wolpert Senators Mumper, Wachtmann, Amstutz, Hottinger, Jordan, Spada

To enact new section 2745.01 and to repeal sections 2305.112 and 2745.01 of the Revised Code to replace the existing statutory provisions on employment intentional torts with a requirement that the plaintiff in a civil action based on an employment intentional tort prove that the employer acted with intent to injure another or in the belief that the injury was substantially certain to occur.

With the following additional amendments, in which the concurrence of the House is requested:

Between lines 28 and 29, insert:

"(D) This section does not apply to claims arising during the course of employment involving discrimination, civil rights, retaliation, harassment in violation of Chapter 4112. of the Revised Code, intentional infliction of emotional distress not compensable under Chapters 4121. and 4123. of the Revised Code, contract, promissory estoppel, or defamation."

Attest: Matthew T. Schuler,  
Clerk.



The Senate amendments were laid over 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:

**S. B. No. 246** - Senators Spada, Schuler, Jordan, Austria, Coughlin, Hottinger, Mumper, Padgett, Schuring

To amend sections 4501.31, 4506.07, and 4507.06 of the Revised Code to provide that a person, when renewing a driver's or commercial driver's license, is not required to produce a document bearing the person's Social Security number.

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:

**H. B. No. 367** - Representatives Distel, Redfern, Hartnett, Collier, Otterman, Kearns, Sferra, Key, Carano, Strahorn, Harwood, Raussen, Wolpert, Cirelli, Domenick, Chandler, Flowers, McGregor, Walcher, Barrett, Beatty, Boccieri, Book, Brown, Callender, Carmichael, DeGeeter, Driehaus, C. Evans, Hagan, Hollister, Hughes, Jerse, Koziura, Mason, Miller, Niehaus, Oelslager, S. Patton, Perry, Price, Reidelbach, Seaver, Setzer, Skindell, D. Stewart, Sykes, Ujvagi, Widener, Wilson, Woodard, Yates Senators Robert Gardner, Dann, Schuring, White

To amend section 1545.05 of the Revised Code to permit any metropolitan park district to expand its board of park commissioners permanently from a three-member to a five-member board.

Attest:

Matthew T. Schuler,  
Clerk.

## Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the adoption of the following concurrent resolution:

**H. C. R. No. 36** - Representatives Schaffer, Beatty, Hughes, Flowers, T. Patton, Schlichter, Clancy, Carano, Daniels, C. Evans, D. Evans, Hoops, Young Senators Zurz, Hottinger, Carey, Spada

To designate the city of Lancaster, Ohio, as the Pressed Glass Capitol of Ohio.

Attest:

Matthew T. Schuler,  
Clerk.

## Message from the Senate

Mr. Speaker:

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

**Sub. S. B. No. 185** - Senator Jordan 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 concurred in the passage of the following bill:

**Am. Sub. H. B. No. 449** - Representatives Seitz, Calvert, Collier, Carano, Aslanides, Webster, Setzer, Buehrer, Clancy, D. Evans, McGregor, Schneider, Gibbs, Slaby, Allen, Reidelbach, Schmidt, T. Patton, G. Smith, Hughes, J. Stewart, Barrett, Beatty, Book, Brown, Chandler, Core, DeBose, Domenick, C. Evans, Flowers, Gilb, Hagan, Hollister, Key, Latta, Martin, Niehaus, Olman, Otterman, Perry, Price, Raussen, Schlichter, S. Smith, Strahorn, Widener, Willamowski, Wilson Senators Wachtmann, Blessing

To amend sections 145.384, 145.385, 742.26, 3307.352, and 3309.344 of the Revised Code to allow a retirant re-employed in a position covered by a state retirement system to receive a refund of the retirant's contributions in lieu of a benefit for the period of re-employment.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested:

In line 30, strike through "equal"

In line 31, after "contributions" insert "determined by the board"

In line 44, strike through "the current actuarial"

In line 45, strike through "assumption" and insert "a"

In line 47, after "~~payment~~" insert "determined by the board"

Attest: Matthew T. Schuler,  
Clerk.

The Senate amendments were laid over under the Rule.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the President of the Senate has appointed as managers on the part of the Senate on matters of difference between the two Houses on:

**Am. Sub. H. B. No. 432** - Representative Webster, et al.

Senators Spada, Jacobson and Hagan.

Attest: Matthew T. Schuler,  
Clerk.

#### MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on December 7, 2004, signed the following:

**S. C. R. No. 32** - Senator Spada - et al.

**Sub. S. B. No. 165** - Senator Schuring - et al.

**S. B. No. 224** - Senator Padgett

**Sub. H. B. No. 175** - Representative Buehrer - et al.

**H. B. No. 184** - Representative Schmidt - et al.

**Sub. H. B. No. 200** - Representative Willamowski - et al.

**Sub. H. B. No. 231** - Representative Niehaus - et al.

**Am. Sub. H. B. No. 257** - Representative Clancy - et al.

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

**H. B. No. 477** - Representative Flowers - et al.

On motion of Representative Cates, the House adjourned until Wednesday, December 8, 2004 at 1:30 o'clock p.m.

Attest:

LAURA P. CLEMENS,  
Clerk.