

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

WEDNESDAY, DECEMBER 10, 2003

ONE HUNDRED TWENTY-FOURTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, December 10, 2003 at 1:30 o'clock p.m.**

The House met pursuant to adjournment.

Prayer was offered by Reverend Tracy Elder of the Seneca County Sheriff's Office in Tiffin, 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:

Jennifer Yazbek received HR 132, presented by Representative Carano-59th district.

Students from St. Ignatius High School, guests of Representatives Skindell-13th district and Trakas-17th district.

Members of the Ohio Abstinence Youth Congress, guests of Representative Hoops-75th district.

Tim Elder, Reverend Mark Bishop, and Lt. Michelle Craig, guests of Representative Wagner-81st district.

Steve Leland, Chad Schutlz, Mr. and Mrs. Lloyd Yazbek, Genevieve, Amelia, and Marion Yazbeck, guests of Representative Carano-59th district.

Roger Bolen and Richard McWhorter, guests of Representative C. Evans-87th district.

Members of the Ohio Lakefront Group, guests of Representative Grendell-98th district.

### INTRODUCTION OF BILLS

The following bill was introduced:

**H. B. No. 351**-Representatives Callender, Fessler, Carano, Seaver, Faber, Young, Brinkman.

To amend sections 1533.10, 1533.101, 1533.11, 1533.111, 1533.112, 1533.12, 1533.19, and 1533.32 of the Revised Code to decrease the fees for hunting, trapping, and fishing licenses, permits, and stamps to the amounts that were in effect prior to September 26, 2003, and to restore free licenses, permits, and stamps for senior citizens.

Said bill was considered the first time.

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

Representative Distel submitted the following report:

The standing committee on Agriculture and Natural Resources to which was referred **H. B. No. 288**-Representative Faber, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: COOPERATIVE LAW - MODIFY

Representative Aslanides moved to amend the title as follows:

Add the names: "Gibbs, Aslanides, Carmichael, Distel, Domenick, Driehaus, C. Evans, Niehaus, Perry, Reinhard, Schlichter, Seaver, Setzer, Walcher, Widener, Book."

Representative Faber moved to amend as follows:

In line 108, after "(C)" insert "A municipal power agency, as "municipal pwer agency" is defined in section 3734.058 of the Revised Code, is not an association for the purposes of this chapter.

(D)"

The motion was agreed to and the bill so amended.

- |                   |                  |
|-------------------|------------------|
| JIM ASLANIDES     | JIM CARMICHAEL   |
| BOB GIBBS         | TOM NIEHAUS      |
| JOHN DOMENICK     | KATHLEEN WALCHER |
| CHRIS WIDENER     | JEFF WAGNER      |
| DERRICK SEAVER    | KEITH L. FABER   |
| STEVE L. DRIEHAUS | STEVE REINHARD   |
| L. GEORGE DISTEL  | JOHN SCHLICHTER  |
| TODD BOOK         | JEANINE PERRY    |
| CLYDE EVANS       | ARLENE J. SETZER |

The report was agreed to.

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

Representative Distel submitted the following report:

The standing committee on Commerce and Labor to which was referred **H. B. No. 208**-Representative Young, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CONTRACTORS/SUPPLIERS-PROHIB PAY RETAINAGE

- |              |                      |
|--------------|----------------------|
| DALE MILLER  | BRYAN C. WILLIAMS    |
| JIM MCGREGOR | RON YOUNG            |
| DAN STEWART  | SALLY CONWAY KILBANE |
| TOM BRINKMAN |                      |

The following member voted "NO"

L. GEORGE DISTEL

The report was agreed to.

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

Representative Mason submitted the following report:

The standing committee on Criminal Justice to which was referred **Sub. S. B. No. 57**-Senator Jacobson, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CROWD CONTROL OFFENSES - INCREASE PENALTIES

Representative Latta moved to amend the title as follows:

Add the names: "Representatives Seitz, Latta, Faber, Callender."

WILLIAM J. SEITZ	THOM COLLIER
JOHN R. WILLAMOWSKI	ROBERT E. LATTA
KEITH L. FABER	STEPHEN BUEHRER
JAMIE CALLENDER	MIKE GILB
EDWARD JERSE	TYRONE K. YATES

The following members voted "NO"

SHIRLEY A. SMITH	EDNA BROWN
ANNIE L. KEY	

The report was agreed to.

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

Representative DeBose submitted the following report:

The standing committee on Energy and Environment to which was referred **H. B. No. 218**-Representative Grendell, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: LAKE ERIE COASTAL MANAGEMENT EROSION

Representative Hollister moved to amend the title as follows:

Add the names: "Hollister, Setzer."

JIM ASLANIDES	JEFF WAGNER
JIM CARMICHAEL	TOM NIEHAUS
ARLENE J. SETZER	JOHN WIDOWFIELD
MICHAEL DEBOSE	TIMOTHY J. GRENDALL
NANCY P. HOLLISTER	

The following members voted "NO"

JIM MCGREGOR  
DAN STEWART

JOHN DOMENICK  
MICHAEL J. SKINDELL

The report was agreed to.

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

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

**H.B. No. 342 - Representative Widener**

TO ESTABLISH MINIMUM MEDICAL REQUIREMENTS FOR FILING CERTAIN SILICA CLAIMS OR MIXED DUST DISEASE CLAIMS, TO ESTABLISH PREMISES LIABILITY IN RELATION TO THOSE CLAIMS, AND TO PRESCRIBE THE REQUIREMENTS FOR SHAREHOLDER LIABILITY FOR THOSE CLAIMS UNDER THE DOCTRINE OF PIERCING THE CORPORATE VEIL

To the committee on Civil and Commercial Law

**H.B. No. 343 - Representatives Grendell, et al**

TO ENABLE CERTAIN PERSONS ASSOCIATED WITH THE EQUINE INDUSTRY TO ESTABLISH AN EQUINE MARKETING PROGRAM

To the committee on Agriculture and Natural Resources

**H.B. No. 344 - Representatives Domenick, et al**

TO DECREASE GRF APPROPRIATION ITEM 506-321, INSTITUTION EDUCATION SERVICES, IN THE DEPARTMENT OF REHABILITATION AND CORRECTIONS, AND INCREASE GRF APPROPRIATION ITEMS 200-431, SCHOOL IMPROVEMENT INITIATIVES, AND 200-513, STUDENT INTERVENTION SERVICES, IN THE DEPARTMENT OF EDUCATION

To the committee on Finance and Appropriations

GARY W. CATES  
JIM CARMICHAEL  
LARRY L. FLOWERS  
THOMAS F. PATTON  
JOHN SCHLICHTER  
KATHLEEN WALCHER  
JOYCE BEATTY  
EDWARD JERSE  
CHARLES A. WILSON

CHARLES CALVERT  
PATRICIA M. CLANCY  
JIM HUGHES  
JON M. PETERSON  
JAMES PETER TRAKAS  
DIXIE J. ALLEN  
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 House 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 House 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. 35 - Representative Cirelli**

TO URGE THE PENSION BENEFIT GUARANTY CORPORATION NOT TO FURTHER DELAY THROUGH LITIGATION THE PAYMENT OF RETIREMENT BENEFITS TO FORMER STEELWORKER-EMPLOYEES OF THE BANKRUPT REPUBLIC TECHNOLOGIES INTERNATIONAL, LLC

To the committee on Banking, Pensions, and Securities

/s/ GARY CATES

Gary Cates, Vice Chair

Representative Cates moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolution contained therein be 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 Resolution be read by title only and approved:

**H.R. No. 161 - Representative C. Evans**

HONORING LAUREN KELSEY HALL AS MISS OHIO USA FOR 2004

/s/ GARY CATES

Gary Cates, Vice Chair

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

The motion was agreed to.

On motion of Representative Cates, the House recessed.

The House met pursuant to recess.

#### MESSAGE FROM THE SPEAKER

The Speaker hereby makes the following change to the Committee of Conference on matters of difference between the two houses on **Am. Sub. H.B. 12** - Representative Aslanides, et al:

Remove Representative Latta, appoint Representative J. Stewart

#### BILLS FOR THIRD CONSIDERATION

**Sub. S. B. No. 2**-Senators Robert Gardner, Prentiss, Mumper, Goodman, Harris, Spada, Carnes, Blessing, Armbruster, Miller, Roberts, Stivers, Zurz, Dann, Hagan, Brady. -Representatives Setzer, C. Evans, Callender, Chandler, Carano.

To amend sections 3301.079, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3302.04, 3307.01, 3313.28, 3313.53, 3313.713, 3318.031, 3319.09, 3319.11, 3319.111, 3319.22, 3319.225, 3319.227, 3319.23, 3319.26, 3319.283, 3319.29, 3319.291, 3319.31, 3319.311, 3319.36, 3319.39, 3319.51, and 3333.38; to enact sections 3314.034, 3319.074, 3319.075, 3319.112, 3319.25, 3319.261, 3319.27, 3319.303, 3319.56, 3319.57, 3319.60, 3319.61, 3319.62, 3319.65, 3333.161, and 3333.36; to repeal sections 3301.801 and 3319.28 of the Revised Code; to amend Section 12 of Sub. H.B. 364 of the 124th General Assembly and to amend Section 12 of Sub. H.B. 364 of the 124th General Assembly for the purpose of changing its number to section 3314.021 of the Revised Code; to amend Sections 11, 12, 13, and 14 of Am. Sub. H.B. 3 of the 125th General Assembly; and to amend Sections 41.03, 41.05, 41.10, 41.19, 41.33, 146, and 152 of Am. Sub. H.B. 95 of the 125th General Assembly to implement recommendations of the Governor's Commission on Teaching Success, to revise the laws with respect to the teaching profession, academic standards, and other education policies and programs, and to extend to November 26, 2004, the deadline for the Ohio Autism Task Force report, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Trakas moved to amend as follows:

In line 31, delete "and"; after "3333.38" insert ", and 5126.021"

Between lines 3049 and 3050, insert:

**"Sec. 5126.021.** As used in this section, "immediate family" means parents, brothers, sisters, spouses, sons, daughters, mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and daughters-in-law.

(A) The following individuals shall not serve as members of county boards of mental retardation and developmental disabilities:

(1) Elected public officials, except for township trustees, township clerks, and those excluded from the definition of public official or employee in division (B) of section 102.01 of the Revised Code;

(2) Members of the immediate family of another board member;

(3) Board employees and members of the immediate family of board employees;

(4) Former board employees within one calendar year of the termination of employment with the board on which the former employee would serve.

(B) A person may not serve as a member of a county board of mental retardation and developmental disabilities when either the person or a member of the person's immediate family is a board member of a contract agency of that county board unless there is no conflict of interest. In no circumstance shall a member of a county board vote on any matter before the board concerning a contract agency of which the member or a member of the member's immediate family is also a board member or an employee. All questions relating to the existence of a conflict of interest shall be submitted to the local prosecuting attorney and the Ohio ethics commission for resolution.

(C) No employee of an agency contracting with a county board of mental retardation and developmental disabilities or member of the immediate family of such an employee shall serve as a board member or an employee of the county board except that a county board may, pursuant to a resolution adopted by the board, employ a member of the immediate family of an employee of an agency contracting with the board.

(D) No person shall serve as a member or employee of a county board of mental retardation and developmental disabilities if a member of the person's immediate family serves as a county commissioner of the county served by the board unless the person was a member or employee prior to October 31, 1980.

(E) A county board of mental retardation and developmental disabilities shall not contract with an agency whose board includes a county commissioner of the county served by the county board ~~or an employee of the same county board.~~

(F) Notwithstanding any provision of the Revised Code to the contrary, including applicable provisions of sections 102.03, 102.04, 2921.42, and 2921.43 of the Revised Code, an employee of a county board of mental retardation and developmental disabilities also may be a member of the governing board of an agency or a political subdivision, including the board of education of a school district. The county board of mental retardation and developmental disabilities may contract with the governing board of an agency or political subdivision whose member is also an employee of the county board, provided that in no circumstances shall such employee of the county board vote on any matter before the governing board of the agency or political subdivision concerning a county



board contract or participate in any discussion or debate regarding that contract."

In line 3054, delete the first "and"; after "3333.38," insert "and 5126.021,"

In line 6 of the title, delete "and"; after "3333.38" insert ", and 5126.021"

In line 24 of the title, delete the first "and"; after the comma insert "and employment by county boards of mental retardation and developmental disabilities,"

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

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	Book	Brinkman	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DeGeeter	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	White	Widener
Widowfield	Willamowski	Williams	Wilson
Wolpert	Woodard	Yates	Young
			Householder-97.

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 86, nays 11, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Book	Brown	Callender
Carano	Carmichael	Cates	Chandler
Cirelli	Clancy	Collier	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Domenick	Driehaus	Evans C.

Flowers	Grendell	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Husted	Jerse	Jolivette	Kearns
Key	Kilbane	Koziura	Latta
Martin	Mason	Miller	Niehaus
Oelslager	Olman	Otterman	Patton S.
Patton T.	Perry	Peterson	Price
Raga	Redfern	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Skindell
Smith G.	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Taylor	Trakas
Ujvagi	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wilson	Wolpert	Woodard	Yates
Young			Householder-86.

Those who voted in the negative were: Representatives

Brinkman	Buehrer	Calvert	Faber
Fessler	Gibbs	Gilb	McGregor
Raussen	Reidelbach		Wagner-11.

The bill passed.

Representative C. Evans moved to amend the title as follows:

Add the names: "Barrett, Domenick, Flowers, Key, Price, Schlichter, Skindell, Strahorn."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 41**-Representatives Carmichael, Hollister, Flowers, McGregor, Willamowski, DePiero, C. Evans, Hughes, Gibbs, Carano, Schaffer, Faber, Collier, Cirelli, Beatty, Kearns, Schneider, Blasdel, Martin, G. Smith, S. Smith, Jolivette.

To amend sections 124.23, 124.26, 124.27, 4503.47, 4765.11, 4765.16, 4765.24, 4765.28, 4765.30, 4765.31, 4765.43, 4765.50, and 4766.03 and to enact sections 4765.14, 4765.141, 4765.281, 4765.311, and 4765.431 of the Revised Code to grant firefighters additional credit on civil service examinations based on their training; to revise the law governing volunteer firefighter license plates and the law governing emergency medical services, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

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
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Blasdel	Book	Brown	Callender
Calvert	Carano	Carmichael	Cates
Chandler	Cirelli	Clancy	Collier
Core	Daniels	DeBose	DeGeeter
DeWine	Distel	Domenick	Driehaus
Evans C.	Faber	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	White
Widener	Widowfield	Willamowski	Williams
Wilson	Wolpert	Woodard	Yates
Young			Householder-94.

Representatives Brinkman, Buehrer, and Fessler voted in the negative-3.

The bill passed.

Representative Carmichael moved to amend the title as follows:

Add the names: "Allen, Barrett, Book, Brown, Cates, Chandler, DeBose, Distel, Domenick, Gilb, Grendell, Hartnett, Harwood, Key, Latta, Niehaus, Olman, Otterman, S. Patton, T. Patton, Perry, Price, Raussen, Redfern, Reinhard, Schlichter, Schmidt, Seaver, Seitz, Setzer, D. Stewart, J. Stewart, Strahorn, Wagner, Walcher, Webster, Widener, Wilson."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 52**-Representatives Hughes, Latta, Gilb, Grendell, DePiero, Seaver, Redfern, Young, Willamowski, D. Evans.

To amend sections 2152.17, 2903.06, 2903.08, 2929.01, 2929.13, 2929.14, 4511.98, and 5501.27 and to enact sections 2941.1413 and 2941.1414 of the Revised Code to expand the offenses of aggravated vehicular homicide, vehicular homicide, and vehicular assault to also prohibit causing death or physical harm as a proximate result of committing a reckless operation or speeding violation in a construction zone, to impose a five-year mandatory prison term for a conviction of aggravated vehicular homicide and a peace officer victim specification, and to impose a three-year mandatory prison term for a conviction of aggravated vehicular homicide and a specification of three OVI-related violations, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Hughes moved to amend as follows:

In line 37, delete "2491.1414" and insert "2941.1414"

The motion was agreed to and the bill so amended.

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

Representative Buehrer moved to amend as follows:

In line 1687, delete "(A)"

In line 1688, strike through "may" and insert "shall"

Delete lines 1696 through 1714

In line 1724, reinsert "~~The~~"

Delete lines 1725 through 1728

In line 1729, delete "(3) The"; delete "of transportation"

In line 1730, delete "described in division (A)(1) of this"

In line 1731, delete "section"; delete "and the"

Delete lines 1732 and 1733

In line 1734, delete "section 4511.98 of the Revised Code"

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

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	Book	Brinkman	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Domenick	Driehaus	Evans C.	Faber
Fessler	Flowers	Gibbs	Gilb
Grendell	Hagan	Hartnett	Harwood
Hollister	Hoops	Hughes	Husted
Jerse	Jolivet	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	White	Widener
Widowfield	Willamowski	Williams	Wilson
Wolpert	Woodard	Yates	Young
			Householder-97.

The motion was agreed to and the bill so amended.

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

The yeas and nays were taken and resulted - yeas 93, nays 4, 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	DeGeeter	DeWine	Distel
Domenick	Driehaus	Evans C.	Faber
Fessler	Flowers	Gibbs	Gilb
Grendell	Hagan	Hartnett	Harwood
Hollister	Hoops	Hughes	Husted
Jerse	Jolivet	Kearns	Kilbane
Koziura	Latta	Martin	Mason
McGregor	Miller	Niehaus	Oelslager
Olman	Otterman	Patton S.	Patton T.
Perry	Peterson	Raga	Rausen
Redfern	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Skindell
Smith G.	Stewart D.	Stewart J.	Strahorn
Taylor	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wilson
Wolpert	Woodard	Yates	Young
			Householder-93.

Representatives Key, Price, Smith S., and Sykes voted in the negative-4.

The bill passed.

Representative Hughes moved to amend the title as follows:

Add the names: "Barrett, Brown, Buehrer, Carano, Carmichael, Chandler, Cirelli, DeGeeter, DeWine, Distel, Domenick, Driehaus, C. Evans, Flowers, Hagan, Hartnett, Husted, Jolivet, McGregor, Oelslager, Olman, Otterman, T. Patton, Perry, Reidelbach, Schaffer, Schlichter, Schmidt, Sferra, Skindell, D. Stewart, Walcher, Widener, Wilson, Wolpert, Woodard."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. B. No. 246**-Representatives T. Patton, Flowers, Daniels, Collier,

Walcher, Domenick, C. Evans, Schlichter, Chandler, McGregor, Fessler, Wolpert.

To amend sections 124.23 and 124.27 of the Revised Code to modify the percentage of additional credit that may be awarded to qualifying veterans in classified civil service examinations, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative T. Patton moved that **H. B. No. 246**-Representative T. Patton, et al. , be informally passed and retain its place on the calendar.

The motion was agreed to.

**Sub. H. B. No. 324**-Representatives Oelslager, Latta, Willamowski, Collier, Gilb, Seitz, Callender.

To amend sections 1547.11, 2903.06, 2903.08, 2921.331, 2929.13, 2929.14, 2929.15, 2929.16, 2929.17, 2929.19, 4507.02, 4507.05, 4510.021, 4510.11, 4510.12, 4510.13, 4510.15, 4510.16, 4510.17, 4510.54, 4511.01, 4511.19, 4511.191, 4511.192, 4511.196, 4511.197, 4511.203, and 4511.251 of the Revised Code and to amend Section 5 of Am. Sub. S.B. 123 of the 124th General Assembly to modify and correct errors in the Ohio Criminal Sentencing Commission's traffic law revisions, and to declare an emergency, was taken up for consideration the third time.

The question being, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted - yeas 87, nays 10, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Book	Brown	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Domenick	Driehaus	Evans C.	Fessler
Flowers	Gibbs	Gilb	Grendell
Hagan	Hartnett	Harwood	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.	Stewart D.	Stewart J.	Strahorn
Sykes	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Wilson	Wolpert

Woodard

Yates

Householder-87.

Those who voted in the negative were: Representatives

Brinkman  
Faber  
Williams

Buehrer  
Hollister

Callender  
Smith S.

Calvert  
Taylor  
Young-10.

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

The question being, "Shall the bill pass as an emergency measure?"

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

Those who voted in the affirmative were: Representatives

Allen  
Blasdel  
Buehrer  
Carmichael  
Clancy  
DeBose  
Domenick  
Fessler  
Grendell  
Hollister  
Jerse  
Kilbane  
Mason  
Oelslager  
Patton T.  
Raga  
Reinhard  
Schneider  
Sferra  
Stewart D.  
Taylor  
Walcher  
Widowfield  
Wolpert

Aslanides  
Book  
Callender  
Cates  
Collier  
DeGeeter  
Driehaus  
Flowers  
Hagan  
Hoops  
Jolivette  
Kozitura  
McGregor  
Olman  
Perry  
Raussen  
Schaffer  
Seaver  
Skindell  
Stewart J.  
Trakas  
Webster  
Willamowski  
Woodard

Barrett  
Brinkman  
Calvert  
Chandler  
Core  
DeWine  
Evans C.  
Gibbs  
Hartnett  
Hughes  
Kearns  
Latta  
Miller  
Otterman  
Peterson  
Redfern  
Schlichter  
Seitz  
Smith G.  
Strahorn  
Ujvagi  
White  
Williams  
Yates

Beatty  
Brown  
Carano  
Cirelli  
Daniels  
Distel  
Faber  
Gilb  
Harwood  
Husted  
Key  
Martin  
Niehaus  
Patton S.  
Price  
Reidelbach  
Schmidt  
Setzer  
Smith S.  
Sykes  
Wagner  
Widener  
Wilson  
Young  
Householder-97.

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

Representative Oelslager moved to amend the title as follows:

Add the names: "Allen, Barrett, Buehrer, Calvert, Chandler, Cirelli, Daniels, DeBose, C. Evans, Fessler, Flowers, Gibbs, Hagan, McGregor, Niehaus, Otterman, S. Patton, Schlichter, Schmidt, Setzer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Cates, the House recessed.

The House met pursuant to recess.

Message from the Senate

Mr. Speaker:

The President of the Senate has made the following change to the Committee on matters of difference between the two Houses on

**Am. Sub. H.B. No. 12 - Representative Aslanides, et al.**

Remove Senator White and appoint Senator Austria.

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

**Am. Sub. S.B. No. 97 - Senator Mallory, et al.**

Attest: Matthew T. Schuler,  
Clerk.

**Sub. S. B. No. 86**-Senators Stivers, Miller, Goodman, Jacobson, Randy Gardner, Coughlin, Amstutz, Brady, Herington, Fedor, Wachtmann, Schuring, Mumper, Spada, Harris, Nein, Carey, Schuler, DiDonato, Prentiss, Robert Gardner, Armbruster, White. -Representatives Latta, Seitz.

To amend sections 2305.113, 2305.234, 2711.22, 3701.071, 3719.81, 4713.02, 4715.42, 4723.01, 4723.03, 4723.28, 4723.44, 4723.48, 4723.482, 4729.01, 4731.22, and 4731.295 of the Revised Code to extend immunity from liability for services provided by volunteer health care professionals and workers to additional health care facilities and locations and to nonprofit health care referral organizations, to provide additional requirements for the immunity of a health care professional, to increase the maximum allowable income of individuals who may be served by volunteers having immunity from liability, and to specify the nurses who may refer to themselves as



advanced practice nurses, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Seitz moved to amend as follows:

In line 1327, delete "Perform" and insert "perform."

The motion was agreed to and the bill so amended.

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

Representative Seitz moved to amend as follows:

In line 16, delete "2305.113,"; delete "2711.22,"

In line 17, delete "3719.81, 4713.02,"; delete "4723.01, 4723.03, 4723.28,"

In line 18, delete everything before "and"

Delete lines 20 through 195

In line 218, reinsert "Registered nurses"; delete "Advanced"; strike through "practice nurses"; delete ", as"

In line 219, delete "defined in section 4723.01 of the Revised Code"; strike through the comma; delete "registered"

In line 220, delete "nurses and"

In line 221, after "Code" insert "and individuals who hold a certificate of authority issued under that chapter that authorizes the practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner"

Delete lines 457 through 488

Delete lines 519 through 629

Delete lines 714 through 2201

In line 2287, delete "2305.113,"

In line 2288, delete "2711.22,"; delete "3719.81, 4713.02,"; delete "4723.01, 4723.03,"

In line 2289, delete everything before "and"

Delete lines 2329 through 2352

In line 2353, delete "7" and insert "4"

Delete lines 2356 through 2360

In line 2361, delete "the 124th General Assembly."

In line 2364, delete "composites are" and insert "composite is"

In line 2365, delete "versions" and insert "version"; delete "sections" and insert "section"

In line 2366, delete "sections" and insert "section"

In line 1 of the title, delete "2305.113,"; delete "2711.22,"

In line 2 of the title, delete "3719.81, 4713.02,"; delete "4723.01,"

Delete line 3 of the title

In line 4 of the title, delete "4729.01, 4731.22,"

In line 11 of the title, after the comma insert "and"

In line 13 of the title, delete ", and to"

Delete line 14 of the title

In line 15 of the title, delete everything before the period

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

The yeas and nays were taken and resulted - yeas 92, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Book	Brinkman	Buehrer
Callender	Calvert	Carano	Carmichael
Cates	Cirelli	Clancy	Collier
Core	Daniels	DeBose	DeGeeter
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 T.	Perry	Peterson
Price	Raga	Raussen	Redfern
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seaver	Seitz
Setzer	Sferra	Skindell	Smith G.
Smith S.	Stewart D.	Strahorn	Taylor
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Williams	Wilson	Wolpert
Woodard	Yates	Young	Householder-92.

Representatives Chandler and Sykes voted in the negative-2.

The motion was agreed to and the bill so amended.

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

Representative Beatty moved to amend as follows:

In line 2353, after "7." insert "The changes to sections 2305.113, 2305.234, 2711.22, 3701.071, 3719.81, 4713.02, 4715.42, 4723.01, 4723.03, 4723.28, 4723.44, 4723.48, 4723.482, 4729.01, 4731.22, and 4731.295 of the Revised Code made in this act are effective until March 31, 2007, at which time the law shall revert to the sections 2305.113, 2305.234, 2711.22, 3701.071, 3719.81, 4713.02, 4715.42, 4723.01, 4723.03, 4723.28, 4723.44, 4723.48, 4723.482, 4729.01, 4731.22, and 4731.295 of the Revised Code as those sections existed on the effective date of this act.

8."

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

Representative Raussen moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 62, nays 34, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Buehrer
Callender	Calvert	Carmichael	Cates
Clancy	Collier	Core	Daniels
DeWine	Evans C.	Faber	Fessler
Flowers	Gibbs	Gilb	Grendell
Hagan	Hollister	Hoops	Hughes
Husted	Jolivette	Kearns	Kilbane
Latta	Martin	McGregor	Niehaus
Oelslager	Olman	Patton T.	Peterson
Raga	Raussen	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seitz	Setzer	Smith G.	Taylor
Trakas	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wilson	Wolpert	Woodard
Young			Householder-62.

Those who voted in the negative were: Representatives

Allen	Beatty	Book	Brinkman
Brown	Carano	Chandler	Cirelli
DeBose	DeGeeter	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			Yates-34.

The motion to amend was laid on the table.

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

Representative Hollister moved to amend as follows:

Between lines 2352 and 2353, insert:

"Section 7. That Section 2 of Sub. H.B. 221 of the 124th General Assembly be amended to read as follows:

Sec. 2. Sections 3715.87, 3715.871, and 3715.872 of the Revised Code as enacted by ~~this act~~ Sub. H.B. 221 of the 124th General Assembly shall take effect ~~one year after the effective date of this section~~ on January 1, 2004.

Section 8. That existing Section 2 of Sub. H.B. 221 of the 124th General Assembly is hereby repealed.

Section 9. Sections 1, 2, 3, 4, 5, 6, and 10 of this act shall take effect ninety days after the effective date of this act."

In line 2353, delete "7." and insert "10."

After line 2366, insert:

"Section 11. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that the state board of pharmacy has adopted rules to establish a drug repository program as authorized by division (B) of section 3715.87 of the Revised Code as enacted by Sub. H.B. 221 of the 124th General Assembly and needs statutory authority to implement the program effective January 1, 2004. Therefore, this act shall go into immediate effect."

In line 4 of the title, after "Code" insert "and to amend Section 2 of Sub. H.B. 221 of the 124th General Assembly"

In line 13, delete "and"

In line 15 of the title, after "nurses" insert ", to change the effective date of the drug repository statute to January 1, 2004, and to declare an emergency"

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

The yeas and nays were taken and resulted - yeas 72, nays 24, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Book
Buehrer	Carmichael	Cates	Clancy
Collier	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Domenick
Driehaus	Evans C.	Faber	Fessler
Flowers	Gibbs	Gilb	Grendell
Hagan	Hartnett	Harwood	Hollister
Hoops	Hughes	Husted	Jolivette
Kearns	Kilbane	Latta	Martin
McGregor	Miller	Niehaus	Oelslager

Olman	Otterman	Patton T.	Perry
Peterson	Raga	Raussen	Redfern
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seaver	Seitz
Setzer	Smith G.	Stewart D.	Taylor
Trakas	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Wilson	Wolpert	Young	Householder-72.

Those who voted in the negative were: Representatives

Allen	Beatty	Brinkman	Brown
Callender	Calvert	Carano	Chandler
Cirelli	Jerse	Key	Koziura
Mason	Patton S.	Price	Sferra
Skindell	Smith S.	Strahorn	Sykes
Ujvagi	Williams	Woodard	Yates-24.

The motion was agreed to and the bill so amended.

The question being, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted - yeas 65, nays 27, as follows:

Those who voted in the affirmative were: Representatives

Barrett	Blasdel	Buehrer	Carano
Carmichael	Cates	Clancy	Collier
Core	Daniels	DeWine	Domenick
Driehaus	Evans C.	Faber	Fessler
Flowers	Gibbs	Gilb	Grendell
Hagan	Hartnett	Hollister	Hoops
Hughes	Husted	Jolivette	Kearns
Kilbane	Koziura	Latta	Martin
McGregor	Miller	Niehaus	Oelslager
Olman	Patton T.	Perry	Peterson
Raga	Raussen	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seaver	Seitz	Setzer	Sferra
Smith G.	Stewart D.	Taylor	Trakas
Wagner	Walcher	Webster	White
Widowfield	Willamowski	Wolpert	Young
			Householder-65.

Those who voted in the negative were: Representatives

Allen	Beatty	Book	Brinkman
Brown	Callender	Calvert	Chandler
Cirelli	DeGeeter	Distel	Harwood
Jerse	Key	Otterman	Patton S.
Price	Redfern	Skindell	Smith S.
Strahorn	Sykes	Ujvagi	Williams
Wilson	Woodard		Yates-27.

Not having received a constitutional majority, the emergency clause failed

of passage.

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

The yeas and nays were taken and resulted - yeas 87, nays 9, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Book	Brinkman	Brown	Buehrer
Callender	Calvert	Carano	Carmichael
Cates	Cirelli	Clancy	Collier
Core	Daniels	DeBose	DeGeeter
DeWine	Distel	Domenick	Driehaus
Evans C.	Faber	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Hartnett	Harwood	Hollister	Hoops
Hughes	Husted	Jerse	Jolivette
Kearns	Kilbane	Koziura	Latta
Martin	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Raussen	Redfern	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seaver	Seitz	Setzer	Sferra
Smith G.	Stewart D.	Strahorn	Taylor
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Williams	Wilson	Wolpert
Woodard	Young		Householder-87.

Those who voted in the negative were: Representatives

Beatty	Chandler	Key	Mason
Price	Skindell	Smith S.	Sykes
			Yates-9.

The bill passed.

Representative Seitz moved to amend the title as follows:

Add the names: "Allen, Barrett, Blasdel, Brown, Buehrer, Calvert, Carano, Carmichael, Cirelli, Clancy, Collier, Daniels, Distel, Domenick, Driehaus, C. Evans, Faber, Flowers, Gibbs, Hartnett, Hollister, Hoops, Jolivette, Kilbane, Martin, Niehaus, Otterman, T. Patton, Raga, Reidelbach, Schaffer, Schmidt, Schneider, Setzer, Sferra, Strahorn, Taylor, Ujvagi, Wagner, Wilson, Wolpert, Woodard."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 272**-Representatives Seitz, McGregor, Calvert, Fessler, Wolpert, Hoops, Clancy, Schmidt, Willamowski, Schneider, Setzer, Aslanides, Raga, Young, Wagner, Webster, Buehrer, Daniels, Collier, Hagan, Cates, Schaffer, Gilb, Reidelbach, Niehaus, Latta, Seaver, Faber, D. Evans,

Flowers, Taylor, Grendell, Brinkman.

To amend section 3101.01 of the Revised Code to specifically declare that same-sex marriages are against the strong public policy of the state, to declare that the recognition or extension by the state of the specific statutory benefits of legal marriage to nonmarital relationships is against the public policy of the state, and to make other declarations regarding same-sex marriages, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Skindell moved to amend as follows:

In line 59, delete "either" and insert "any"

In line 66, after "(b)" insert "Prohibit the state from extending bereavement leave benefits to persons in nonmarital relationships;

(c)"

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

Representative Seitz moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 57, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Callender
Calvert	Carmichael	Cates	Cirelli
Clancy	Collier	Core	Daniels
DeWine	Evans C.	Faber	Flowers
Gibbs	Gilb	Grendell	Hagan
Hoops	Hughes	Husted	Jolivette
Kearns	Latta	Martin	McGregor
Niehaus	Oelslager	Olman	Patton T.
Peterson	Raga	Raussen	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Smith G.	Taylor	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Williams	Wolpert	Young
			Householder-57.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Book
Brinkman	Brown	Carano	Chandler
DeBose	DeGeeter	Distel	Domenick
Driehaus	Fessler	Hartnett	Harwood
Hollister	Jerse	Key	Kilbane
Koziura	Mason	Miller	Otterman
Perry	Price	Redfern	Sferra

Skindell	Smith S.	Stewart D.	Strahorn
Sykes	Trakas	Ujvagi	Wilson
Woodard			Yates-38.

The motion to amend was laid on the table.  
 The question recurring, "Shall the bill pass?"  
 Representative Harwood moved to amend as follows:

- Delete lines 51 through 74
- In line 86, delete "It is not the intent of the"
- Delete lines 87 through 89
- In line 3 of the title, delete ", to"
- Delete lines 4 through 6 of the title
- In line 7 of the title, delete "the public policy of the state,"

The question being, "Shall the motion to amend be agreed to?"  
 Representative Grendell moved that the motion be laid on the table.  
 The question being, "Shall the motion to amend be laid on the table?"  
 The yeas and nays were taken and resulted - yeas 58, nays 37, as follows:  
 Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Book	Buehrer
Callender	Calvert	Carmichael	Cates
Clancy	Collier	Core	Daniels
DeWine	Evans C.	Faber	Fessler
Flowers	Gibbs	Gilb	Grendell
Hagan	Hoops	Hughes	Husted
Jolivette	Kearns	Latta	Martin
McGregor	Niehaus	Oelslager	Olman
Patton T.	Peterson	Raga	Rausen
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seaver	Seitz
Setzer	Smith G.	Taylor	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Young			Householder-58.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Brinkman
Brown	Carano	Chandler	Cirelli
DeBose	DeGeeter	Distel	Domenick
Driehaus	Hartnett	Harwood	Hollister
Jerse	Key	Kilbane	Koziura
Mason	Miller	Otterman	Perry
Price	Redfern	Sferra	Skindell



Smith S.  
Trakas

Stewart D.  
Ujvagi

Strahorn  
Wilson

Sykes  
Woodard  
Yates-37.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Yates moved to amend as follows:

Delete lines 41 through 74

Delete lines 77 through 94

Delete lines 2 through 7 of the title

In line 8 of the title, delete "declarations regarding same-sex marriages" and insert "clarify that in this state marriage is a union between one man and one woman"

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

Representative Faber moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 63, nays 32, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Book	Buehrer
Callender	Calvert	Carmichael	Cates
Cirelli	Clancy	Collier	Core
Daniels	DeWine	Evans C.	Faber
Fessler	Flowers	Gibbs	Gilb
Grendell	Hagan	Hollister	Hoops
Hughes	Husted	Jolivette	Kearns
Key	Latta	Martin	McGregor
Niehaus	Oelslager	Olman	Patton T.
Peterson	Price	Raga	Rausen
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seaver	Seitz
Setzer	Smith G.	Taylor	Trakas
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Young		Householder-63.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Brinkman
Brown	Carano	Chandler	DeBose
DeGeeter	Distel	Domenick	Driehaus
Hartnett	Harwood	Jerse	Kilbane
Koziura	Mason	Miller	Otterman
Patton S.	Perry	Redfern	Skindell
Smith S.	Stewart D.	Strahorn	Sykes

Ujvagi

Wilson

Woodard

Yates-32.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Yates moved to amend as follows:

In line 9, delete "of the Revised Code"

In line 10, after "amended" insert "and section 124.824 of the Revised Code be enacted"

Between lines 10 and 11, insert:

**"Sec. 124.824. (A) As used in this section:**

(1) "Domestic partners" means two adults who have chosen to share one another's lives in an intimate and committed relationship.

(2) "Have a common residence" means that the domestic partners share the same residence. It is not necessary that the legal right to possess the common residence be in both of their names. Two people have a common residence even if one or both have additional residences. Domestic partners do not cease to have a common residence if one leaves the common residence but intends to return.

(3) "Basic living expenses" means shelter, utilities, and all other costs directly related to the maintenance of the common household of the domestic partners' common residence. It also means any other cost, such as medical care, if some or all of the cost is paid as a benefit because a person is another person's domestic partner.

(4) "Joint responsibility" means that each partner agrees to provide for the other partner's basic living expenses if the partner is unable to provide for them. Persons to whom these expenses are owed may enforce this responsibility if, in extending credit or providing goods or services, they relied on the existence of the domestic partnership and the agreement of both partners to be jointly responsible for those specific expenses.

(B) A domestic partnership shall be established when all of the following requirements are met:

(1) Both persons have a common residence.

(2) Both persons agree to be jointly responsible for each other's basic living expenses incurred during the domestic partnership.

(3) Neither person is married or a member of another domestic partnership.

(4) The two persons are not related by blood in a way that would prevent them from being married to each other in this state.

(5) Both persons are at least eighteen years of age.

(6) Either of the following:

(a) Both persons are members of the same sex.

(b) One or both of the persons meet the eligibility criteria under Title II of the Social Security Act as defined in 42 U.S.C. Section 402(a) for old-age insurance benefits or Title XVI of the Social Security Act as defined in 42 U.S.C. Section 1381 for aged individuals. Notwithstanding any other provision of this section, persons of opposite sexes may not constitute a domestic partnership unless one or both of the persons are over the age of sixty-two.

(7) Both persons are capable of consenting to the domestic partnership.

(C) Any policy or contract of health, medical, hospital, dental, or surgical benefits, or any combination of those benefits, that is procured by the department of administrative services pursuant to section 124.82 of the Revised Code may provide the same benefits to domestic partners that are provided to spouses."

Delete lines 41 through 74

Delete lines 77 through 94

In line 1 of the title, after "3101.01" insert "and to enact section 124.824"

Delete lines 2 through 8 of the title and insert "clarify that marriage is a union between one man and one woman and to provide for the extension of certain benefits to domestic partners."

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

Representative Widowfield moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 67, nays 29, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Book	Buehrer
Callender	Calvert	Carmichael	Cates
Cirelli	Clancy	Collier	Core
Daniels	DeWine	Distel	Evans C.
Faber	Fessler	Flowers	Gibbs
Gilb	Grendell	Hagan	Hartnett
Hollister	Hoops	Hughes	Husted
Jolivette	Kearns	Key	Latta
Martin	McGregor	Niehaus	Oelslager
Olman	Patton T.	Peterson	Price
Raga	Rausen	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seaver	Seitz	Setzer	Sferra
Smith G.	Taylor	Trakas	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Woodard	Young		Householder-67.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Brinkman
Brown	Carano	Chandler	DeBose
DeGeeter	Domenick	Driehaus	Harwood
Jerse	Kilbane	Koziura	Mason
Miller	Otterman	Patton S.	Perry
Redfern	Skindell	Smith S.	Stewart D.
Strahorn	Sykes	Ujvagi	Wilson
			Yates-29.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 73, nays 23, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Book	Brinkman
Buehrer	Callender	Calvert	Carmichael
Cates	Cirelli	Clancy	Collier
Core	Daniels	DeBose	DeGeeter
DeWine	Distel	Domenick	Driehaus
Evans C.	Faber	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Hartnett	Harwood	Hoops	Hughes
Husted	Jolivette	Kearns	Key
Kilbane	Latta	Martin	McGregor
Niehaus	Oelslager	Olman	Patton T.
Peterson	Price	Raga	Rausen
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seaver	Seitz
Setzer	Sferra	Smith G.	Taylor
Trakas	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wilson	Wolpert	Young
			Householder-73.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Brown
Carano	Chandler	Hollister	Jerse
Koziura	Mason	Miller	Otterman
Patton S.	Perry	Redfern	Skindell
Smith S.	Stewart D.	Strahorn	Sykes
Ujvagi	Woodard		Yates-23.

The bill passed.

Representative Seitz moved to amend the title as follows:

Add the names: "Blasdel, Distel, C. Evans, Gibbs, Jolivette, Martin, Rausen, Schlichter, White, Widener."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Cates, the House recessed.

The House met pursuant to recess.

**Sub. H. B. No. 218**-Representatives Grendell, Martin, Young, Callender, Kilbane, Redfern, Jerse, Hollister, Setzer.

To amend sections 149.56, 317.08, 721.11, 1501.01, 1504.02, 1506.01, 1506.02, 1506.06, 1506.08, 1506.10 to 1506.12, 1506.30, 1506.34, 1506.35, 1521.01, 1521.20, 1521.21, 1521.22, 1521.23, 1521.24, 1521.25, 1521.26, 1521.27, 1521.28, 1521.29, 1521.99, and 6121.04; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 1521.20 (1506.38), 1521.21 (1506.39), 1521.22 (1506.40), 1521.23 (1506.41), 1521.24 (1506.42), 1521.25 (1506.43), 1521.26 (1506.44), 1521.27 (1506.45), 1521.28 (1506.46), 1521.29 (1506.47), and 1521.30 (1506.48); to enact section 1506.49; and to repeal section 1506.37 of the Revised Code to revise the law governing coastal management and the control of erosion along Lake Erie, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Skindell moved to amend as follows:

In line 680, delete "the submerged lands and"

In line 681, after "lands" insert "subject to a permit issued under section 1506.11 or 1506.40 of the Revised Code"

In line 682, delete "fills,"

In line 683, delete "for navigation,"

Delete lines 684 and 685

In line 686, delete "watercraft, and wharfing out to navigable waters"

In line 689, delete "where"; reinsert "southerly shore"; delete "waters"; delete "make"

In line 690, delete "contact with land"

In line 702, delete "where"; reinsert "natural"

In line 703, reinsert "shoreline of those"; delete "of Lake Erie make contact with land"

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

Representative Calvert moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 62, nays 35, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Book	Buehrer
Callender	Calvert	Carmichael	Cates
Clancy	Collier	Core	Daniels
DeWine	Distel	Evans C.	Faber
Fessler	Flowers	Gibbs	Gilb
Grendell	Hagan	Hollister	Hoops
Hughes	Husted	Jolivette	Kearns
Kilbane	Koziura	Latta	Martin
Niehaus	Oelslager	Olman	Patton T.
Peterson	Raga	Rausen	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seitz	Setzer	Sferra
Smith G.	Taylor	Trakas	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Young			Householder-62.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Brinkman
Brown	Carano	Chandler	Cirelli
DeBose	DeGeeter	Domenick	Driehaus
Hartnett	Harwood	Jerse	Key
Mason	McGregor	Miller	Otterman
Patton S.	Perry	Price	Redfern
Seaver	Skindell	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Ujvagi
Wilson	Woodard		Yates-35.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative D. Stewart moved to amend as follows:

In line 839, delete "Money" and insert "In addition, money"

In line 840, delete "grants" and insert "either or both of the following purposes:

(1) Grants"

In line 842, after "boundaries" insert ";

(2) Purchase of land for public access to Lake Erie"

In line 1298, after the underlined semicolon insert "purchase of land for public access to Lake Erie;"

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

Representative Reinhard moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 34, nays 63, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Carmichael	Cates
Clancy	Collier	Core	DeWine
Faber	Gibbs	Hagan	Hoops
Hughes	Husted	Kearns	Kilbane
Martin	Patton T.	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Setzer
Smith G.	Stewart J.	Trakas	Wagner
Walcher	Webster	Widowfield	Willamowski
Young			Householder-34.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Book
Brinkman	Brown	Buehrer	Callender
Calvert	Carano	Chandler	Cirelli
Daniels	DeBose	DeGeeter	Distel
Domenick	Driehaus	Evans C.	Fessler
Flowers	Gilb	Grendell	Hartnett
Harwood	Hollister	Jerse	Jolivette
Key	Koziura	Latta	Mason
McGregor	Miller	Niehaus	Oelslager
Oلمان	Otterman	Patton S.	Perry
Peterson	Price	Raga	Raussen
Redfern	Schneider	Seaver	Seitz
Sferra	Skindell	Smith S.	Stewart D.
Strahorn	Sykes	Taylor	Ujvagi
White	Widener	Williams	Wilson
Wolpert	Woodard		Yates-63.

The motion to amend was not laid on the table.

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

The yeas and nays were taken and resulted - yeas 74, nays 23, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Book	Brown	Buehrer	Callender
Calvert	Carano	Cates	Chandler
Cirelli	Daniels	DeBose	DeGeeter
Distel	Driehaus	Evans C.	Fessler
Flowers	Gilb	Grendell	Hagan
Hartnett	Harwood	Hollister	Hoops
Jerse	Jolivette	Key	Koziura
Latta	Mason	McGregor	Miller
Niehaus	Oelslager	Oلمان	Otterman
Patton S.	Patton T.	Perry	Peterson
Price	Raga	Raussen	Redfern
Schaffer	Schmidt	Schneider	Seaver
Seitz	Sferra	Skindell	Smith G.
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Taylor	Ujvagi	Walcher

Webster	White	Widener	Williams
Wilson	Wolpert	Woodard	Yates
Young			Householder-74.

Those who voted in the negative were: Representatives

Blasdel	Brinkman	Carmichael	Clancy
Collier	Core	DeWine	Domenick
Faber	Gibbs	Hughes	Husted
Kearns	Kilbane	Martin	Reidelbach
Reinhard	Schlichter	Setzer	Trakas
Wagner	Widowfield		Willamowski-23.

The motion was agreed to and the bill so amended.

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

Representative DeBose moved to amend as follows:

In line 387, after "energy," insert "environmental."

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

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	Book	Brinkman	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DeGeeter	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	White	Widener
Widowfield	Willamowski	Williams	Wilson
Wolpert	Woodard	Yates	Young
			Householder-97.



The motion was agreed to and the bill so amended.

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

Representative DeBose moved to amend as follows:

In line 740, after the second comma insert "recreation."

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

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	Book	Brinkman	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DeGeeter	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	White	Widener
Widowfield	Willamowski	Williams	Wilson
Wolpert	Woodard	Yates	Young
			Householder-97.

The motion was agreed to and the bill so amended.

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

The yeas and nays were taken and resulted - yeas 77, nays 20, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Book	Brinkman	Buehrer	Callender
Calvert	Carmichael	Cates	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DeWine	Distel	Evans C.
Faber	Fessler	Flowers	Gibbs
Gilb	Grendell	Hartnett	Harwood
Hollister	Hoops	Hughes	Husted
Jerse	Jolivette	Kearns	Key

Kilbane	Koziura	Latta	Martin
Mason	Niehaus	Oelslager	Olman
Patton S.	Patton T.	Perry	Raga
Rausen	Redfern	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seitz	Setzer	Sferra	Smith G.
Smith S.	Sykes	Taylor	Trakas
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wilson	Wolpert	Woodard	Young
			Householder-77.

Those who voted in the negative were: Representatives

Beatty	Brown	Carano	Chandler
DeGeeter	Domenick	Driehaus	Hagan
McGregor	Miller	Otterman	Peterson
Price	Seaver	Skindell	Stewart D.
Stewart J.	Strahorn	Ujvagi	Yates-20.

The bill passed.

Representative Grendell moved to amend the title as follows:

Add the names: "Buehrer, Carmichael, Cates, Collier, Daniels, DeBose, Distel, Fessler, Flowers, Gibbs, Gilb, Hartnett, Husted, Jolivette, Kearns, Key, Koziura, Latta, Olman, T. Patton, Schaffer, Schmidt, Schneider, Seitz, Sferra, Trakas, Walcher, Willamowski."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 57**-Senators Jacobson, Armbruster, Randy Gardner, Goodman, Harris, Stivers, Herington, Amstutz, Austria, Blessing, Carnes, Dann, Robert Gardner, Hottinger, Mumper. -Representatives Seitz, Latta, Faber, Callender.

To amend sections 1905.033, 2917.04, 2917.13, 2929.01, 2929.22, 2929.25, 2929.28, 2950.01, 2951.011, and 2967.14, to contingently amend section 2913.07, and to enact section 2917.031 of the Revised Code to increase the penalty under specified circumstances for failure to disperse and misconduct at an emergency, to clarify the required proof for the offenses of riot and aggravated riot, to modify the definition of residential unit used in the SORN Law, to make technical corrections and clarifications to the misdemeanor sentencing statutes, and to declare an emergency, was taken up for consideration the third time.

The question being, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted - yeas 74, nays 21, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Beatty	Blasdel
Buehrer	Calvert	Carano	Carmichael
Cates	Cirelli	Clancy	Collier
Core	Daniels	DeBose	DeGeeter
DeWine	Domenick	Driehaus	Evans C.
Flowers	Gibbs	Gilb	Grendell
Hagan	Hartnett	Harwood	Hoops
Hughes	Husted	Jerse	Jolivette
Kearns	Kilbane	Koziura	Latta
Martin	McGregor	Oelslager	Olman
Otterman	Patton T.	Perry	Peterson
Price	Raga	Raussen	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	Smith G.	Stewart J.	Taylor
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wilson	Wolpert	Woodard
Young			Householder-74.

Those who voted in the negative were: Representatives

Barrett	Book	Brinkman	Brown
Chandler	Faber	Fessler	Hollister
Key	Mason	Miller	Niehaus
Patton S.	Redfern	Skindell	Smith S.
Stewart D.	Strahorn	Sykes	Williams
			Yates-21.

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

The question being, "Shall the bill pass as an emergency measure?"

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

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Blasdel	Book
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Cirelli	Clancy
Collier	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Domenick
Driehaus	Evans C.	Faber	Flowers
Gibbs	Gilb	Grendell	Hagan
Hartnett	Harwood	Hollister	Hoops
Hughes	Husted	Jerse	Jolivette
Kearns	Latta	Martin	Niehaus
Oelslager	Olman	Patton T.	Peterson
Raga	Raussen	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seaver	Seitz	Setzer	Sferra
Smith G.	Stewart J.	Taylor	Trakas
Wagner	Walcher	Webster	White
Widener	Willamowski	Williams	Wilson
Wolpert	Woodard		Householder-71.

Those who voted in the negative were: Representatives

Barrett	Beatty	Brinkman	Brown
Chandler	Fessler	Key	Kilbane
Koziura	Mason	McGregor	Miller
Otterman	Patton S.	Perry	Price
Redfern	Skindell	Smith S.	Stewart D.
Strahorn	Sykes	Ujvagi	Widowfield
Yates			Young-26.

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

Representative Latta moved to amend the title as follows:

Add the names: "Calvert, Carano, Clancy, Domenick, C. Evans, Flowers, Gibbs, Hartnett, Hoops, Hughes, Kearns, Niehaus, T. Patton, Schlichter, Schmidt, Schneider, Seaver, Setzer, Sferra, Walcher, Widener."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. B. No. 246**-Representatives T. Patton, Flowers, Daniels, Collier, Walcher, Domenick, C. Evans, Schlichter, Chandler, McGregor, Fessler, Wolpert.

To amend sections 124.23 and 124.27 of the Revised Code to modify the percentage of additional credit that may be awarded to qualifying veterans in classified civil service examinations, 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	Book	Brinkman	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DeGeeter	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	White	Widener
Widowfield	Willamowski	Williams	Wilson
Wolpert	Woodard	Yates	Young
			Householder-97.

The bill passed.

Representative T. Patton moved to amend the title as follows:

Add the names: "Allen, Aslanides, Barrett, Brown, Buehrer, Callender, Calvert, Carano, Carmichael, Cirelli, DeBose, Distel, Faber, Gilb, Grendell, Hagan, Hartnett, Harwood, Hoops, Hughes, Jolivette, Key, Koziura, Latta, Martin, Niehaus, Oelslager, Otterman, S. Patton, Perry, Peterson, Price, Schaffer, Schmidt, Seaver, Seitz, Setzer, Sferra, Skindell, G. Smith, S. Smith, D. Stewart, Taylor, Ujvagi, Wagner, Webster, Widener, Widowfield, Williams, Wilson."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

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. H. B. No. 12**-Representative Aslanides, et al. be taken up for immediate consideration.

The motion was agreed to without objection.

Representative Aslanides submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on Am. Sub. H.B. 12, Rep. Aslanides - et al., having had the same under consideration, recommends to the respective houses as follows:

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

In line 30, after "2913.02," insert "2913.04,"

In line 34, after "2923.1212," insert "2923.1213,"

In line 97, delete the underlined period and insert an underlined semicolon

Between lines 97 and 98, insert:

"(5) A form for the temporary emergency license to carry a concealed handgun that is to be issued by sheriffs to persons who qualify for such a license under section 2923.1213 of the Revised Code, which form shall conform to all the requirements set forth in divisions (A)(2)(a) to (d) of this section and that additionally conspicuously specifies that the license is a temporary emergency license and the date of its issuance."

In line 186, after the underlined comma insert "or an application for a license to carry a concealed handgun under section 2923.1213 of the Revised Code,"

In line 288, after "Code" insert "and all fees paid by the person seeking a temporary emergency license to carry a concealed handgun under section 2923.1213 of the Revised Code"

In line 320, after "section" insert "that involves a firearm other than a handgun. It is an affirmative defense to a charge under division (C) or (D) of this section of transporting or having a firearm of any type, including a handgun, in a vessel that the actor transported or had the firearm in the vessel for any lawful purpose and while the vessel was on the actor's own property, provided that this affirmative defense is not available unless the person, prior to arriving at the vessel on the actor's own property, did not transport or possess the firearm in the vessel or in a motor vehicle in a manner prohibited by this section or division (B) or (C) of section 2923.16 of the Revised Code while the vessel was being operated on a waterway that was not on the actor's own property or while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic"

In lines 323 and 346, after "2923.125" insert "or 2923.1213"

Between lines 351 and 352, insert:

"(I) If a law enforcement officer stops a vessel for a violation of this section or any other law enforcement purpose, if any person on the vessel surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop."

Between lines 438 and 439, insert:

**"Sec. 2913.04.** (A) No person shall knowingly use or operate the property of another without the consent of the owner or person authorized to give consent.

(B) No person shall knowingly gain access to, attempt to gain access to, or cause access to be gained to any computer, computer system, computer network,

cable service, cable system, telecommunications device, telecommunications service, or information service without the consent of, or beyond the scope of the express or implied consent of, the owner of the computer, computer system, computer network, cable service, cable system, telecommunications device, telecommunications service, or information service or other person authorized to give consent by the owner.

(C) No person shall knowingly gain access to, attempt to gain access to, cause access to be granted to, or disseminate information gained from access to the law enforcement automated database system created pursuant to section 5503.10 of the Revised Code without the consent of, or beyond the scope of the express or implied consent of, the chair of the law enforcement automated data system steering committee.

(D) The affirmative defenses contained in division (C) of section 2913.03 of the Revised Code are affirmative defenses to a charge under this section.

~~(D)~~(E)(1) Whoever violates division (A) of this section is guilty of unauthorized use of property.

(2) Except as otherwise provided in division ~~(D)~~(E)(3) or (4) of this section, unauthorized use of property is a misdemeanor of the fourth degree.

(3) Except as otherwise provided in division ~~(D)~~(E)(4) of this section, if unauthorized use of property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services, unauthorized use of property is whichever of the following is applicable:

(a) Except as otherwise provided in division ~~(D)~~(E)(3)(b), (c), or (d) of this section, a misdemeanor of the first degree.

(b) If the value of the property or services or the loss to the victim is five hundred dollars or more and is less than five thousand dollars, a felony of the fifth degree.

(c) If the value of the property or services or the loss to the victim is five thousand dollars or more and is less than one hundred thousand dollars, a felony of the fourth degree.

(d) If the value of the property or services or the loss to the victim is one hundred thousand dollars or more, a felony of the third degree.

(4) If the victim of the offense is an elderly person or disabled adult, unauthorized use of property is whichever of the following is applicable:

(a) Except as otherwise provided in division ~~(D)~~(E)(4)(b), (c), (d), or (e) of this section, a felony of the fifth degree;

(b) If the value of the property or services or loss to the victim is five hundred dollars or more and is less than five thousand dollars, a felony of the fourth degree;

(c) If the value of the property or services or loss to the victim is five

thousand dollars or more and is less than twenty-five thousand dollars, a felony of the third degree;

(d) If the value of the property or services or loss to the victim is twenty-five thousand dollars or more, a felony of the second degree.

~~(E)~~(F) Whoever violates division (B) of this section is guilty of unauthorized use of computer, cable, or telecommunication property, a felony of the fifth degree.

~~(F)~~(G) Whoever violates division (C) of this section is guilty of unauthorized use of the law enforcement automated database system, a felony of the fifth degree.

(H) As used in this section:

(1) "Cable operator" means any person or group of persons that does either of the following:

(a) Provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in that cable system;

(b) Otherwise controls or is responsible for, through any arrangement, the management and operation of a cable system.

(2) "Cable service" means any of the following:

(a) The one-way transmission to subscribers of video programming or of information that a cable operator makes available to all subscribers generally;

(b) Subscriber interaction, if any, that is required for the selection or use of video programming or of information that a cable operator makes available to all subscribers generally, both as described in division ~~(F)~~(H)(2)(a) of this section;

(c) Any cable television service.

(3) "Cable system" means any facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service that includes video programming and that is provided to multiple subscribers within a community. "Cable system" does not include any of the following:

(a) Any facility that serves only to retransmit the television signals of one or more television broadcast stations;

(b) Any facility that serves subscribers without using any public right-of-way;

(c) Any facility of a common carrier that, under 47 U.S.C.A. 522(7)(c), is excluded from the term "cable system" as defined in 47 U.S.C.A. 522(7);

(d) Any open video system that complies with 47 U.S.C.A. 573;

(e) Any facility of any electric utility used solely for operating its electric



utility system."

In line 490, after "handgun" insert "or is made in an affidavit filed with a county sheriff to obtain a temporary emergency license to carry a concealed handgun under section 2923.1213 of the Revised Code"

In lines 671, 693, 779, 805, 871, and 922, after "2923.125" insert "or 2923.1213"

In line 700, after "(A)" insert "(1)"

In line 701, after "weapon" insert "other than a handgun and"

In line 723, delete all after "(E)"

Delete lines 724 through 753 and insert "It is an affirmative defense to a charge under division (A) of this section of carrying or having control of a handgun other than a dangerous ordnance that the actor was not otherwise prohibited by law from having the handgun and that the handgun was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home, provided that this affirmative defense is not available unless the person, prior to arriving at his own home, did not transport or possess the handgun in a motor vehicle in a manner prohibited by division (B) or (C) of section 2923.16 of the Revised Code while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic."

Between lines 824 and 825, insert:

"(H) If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop."

In line 854, after "premises" insert "that involves the possession of a firearm other than a handgun"

In line 1074, after "2923.125" insert "or 2923.1213"

In lines 1121, 1778, and 3008, delete "2923.1212" and insert "2923.1213"

In line 1133, after "Code" insert "and, except when the context clearly indicates otherwise, includes a person to whom a temporary emergency license to carry a concealed handgun has been issued under section 2923.1213 of the Revised Code"

In line 1292, after "shall" insert "make available through the law enforcement automated data system in accordance with division (H) of this section the information described in that division and, upon making the

information available through the system, shall"

In line 1523, delete the first "issuing" and insert "deciding to issue"; delete the second "issuing" and insert "deciding to issue";

In line 1524, delete "renewing" and insert "deciding to renew"

In line 1525, after the underlined comma insert "and before actually issuing or renewing the license,"

In line 1547, delete "If a law enforcement officer"

Delete lines 1548 and 1549 and insert:

"If a"

In line 1550, delete "that" and insert "a motor"; delete the underlined comma and insert "that is stopped as the result of a traffic stop or a stop for another law enforcement purpose"

In line 1551, delete "possesses" and insert "is transporting"; delete "at the time the officer"

In line 1552, delete "approaches the vehicle" and insert "in the motor vehicle at that time"; delete the third "the" and insert "any law enforcement"

In line 1553, after "officer" insert "who approaches the vehicle while stopped"

In line 1555, after "handgun" insert "; the licensee shall comply with lawful orders of a law enforcement officer given while the motor vehicle is stopped, shall remain in the motor vehicle while stopped, and shall keep the licensee's hands in plain sight while any law enforcement officer begins approaching the licensee while stopped and before the officer leaves, unless directed otherwise by a law enforcement officer; and the licensee shall not knowingly remove, attempt to remove, grasp, or hold the loaded handgun or knowingly have contact with the loaded handgun by touching it with the licensee's hands or fingers, in any manner in violation of division (D) of section 2923.16 of the Revised Code, while any law enforcement officer begins approaching the licensee while stopped and before the officer leaves"

In line 1844, after "(B)" insert "(1)"; after the underlined comma insert "except as provided in division (B)(2) of this section,"

In line 1853, delete "No" and insert "Except as provided in division (B)(2) of this section, no"

Between lines 1855 and 1856, insert:

"(2) Upon a written request made to a sheriff and signed by a journalist on or after the effective date of this section that identifies by name a specific individual, the sheriff shall disclose to the journalist whether the sheriff has issued to the specified individual a license, issued to the specified individual a replacement license, or renewed for the specified individual a license to carry a

concealed handgun. If the sheriff has issued or renewed a license for the specific individual identified in the request, the sheriff shall disclose to the journalist only the individual's name, county of residence, and municipal corporation or township of residence, the fact that the individual was issued the license or replacement license or had the license renewed, and the date of the issuance or renewal. The request shall include the journalist's name and title, shall include the name and address of the journalist's employer, shall identify by name the specific individual about whom the request is made, and shall state that disclosure of the information sought would be in the public interest.

As used in division (B)(2) of this section, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public."

In line 1876, delete "No" and insert "A"

In line 1877, delete "shall release or otherwise disseminate" and insert "who releases or otherwise disseminates"

In line 1879, delete all after "division"

In line 1880, delete "person to do so" and insert "is guilty of a violation of section 2913.04 of the Revised Code"

In line 1985, after "2923.125" insert "or 2923.1213"

Between lines 2061 and 2062, insert:

**"Sec. 2923.1213. (A) As used in this section:**

**(1) "Evidence of imminent danger" means any of the following:**

**(a) A statement sworn by the person seeking to carry a concealed handgun that is made under threat of perjury and that states that the person has reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed;**

**(b) A written document prepared by a governmental entity or public official describing the facts that give the person seeking to carry a concealed handgun reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed. Written documents of this nature include, but are not limited to, any temporary protection order, civil protection order, protection order issued by another state, or other court order, any court report, and any report filed with or made by a law enforcement agency or prosecutor.**

**(2) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.**

**(B)(1) A person seeking a temporary emergency license to carry a**

concealed handgun shall submit to the sheriff of the county in which the person resides all of the following:

(a) Evidence of imminent danger to the person or a minor child under the person's custody;

(b) A sworn affidavit attesting that the person is at least twenty-one years of age; is not a fugitive from justice; is not under indictment for or otherwise charged with an offense identified in division (D)(1)(d) of section 2923.125 of the Revised Code; has not been convicted of or pleaded guilty to an offense, and has not been adjudicated a delinquent child for committing an act, identified in division (D)(1)(e) of that section; within three years of the date of the submission, has not been convicted of or pleaded guilty to an offense, and has not been adjudicated a delinquent child for committing an act, identified in division (D)(1)(f) of that section; within five years of the date of the submission, has not been convicted of, pleaded guilty, or adjudicated a delinquent child for committing two or more violations identified in division (D)(1)(g) of that section; within ten years of the date of the submission, has not been convicted of, pleaded guilty, or adjudicated a delinquent child for committing a violation identified in division (D)(1)(h) of that section; has not been adjudicated as a mental defective, has not been committed to any mental institution, is not under adjudication of mental incompetence, has not been found by a court to be a mentally ill person subject to hospitalization by court order, and is not an involuntary patient other than one who is a patient only for purposes of observation, as described in division (D)(1)(i) of that section; and is not currently subject to a civil protection order, a temporary protection order, or a protection order issued by a court of another state, as described in division (D)(1)(j) of that section;

(c) A temporary emergency license fee of fifteen dollars;

(d) A set of fingerprints of the applicant provided as described in section 341.41 of the Revised Code through use of an electronic fingerprint reading device or, if the sheriff to whom the application is submitted does not possess and does not have ready access to the use of such a reading device, on a standard impression sheet prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code. If the fingerprints are provided on a standard impression sheet, the person also shall provide the person's social security number to the sheriff.

(2) Upon receipt of the evidence of imminent danger, the sworn affidavit, and the fee required under division (B)(1) of this section, the sheriff immediately shall conduct or cause to be conducted the criminal records check and the incompetency records check described in section 311.41 of the Revised Code. Immediately upon receipt of the results of the records checks, the sheriff shall review the information and shall determine whether the criteria set forth in divisions (D)(1)(a) to (j) of section 2923.125 of the Revised Code apply regarding the person. If the sheriff determines that all of criteria set forth in divisions (D)(1)(a) to (j) of section 2923.125 of the Revised Code apply regarding the person, the sheriff shall immediately make available through the law enforcement automated data system all information that will be contained on the temporary

emergency license for the person if one is issued, and the superintendent of the state highway patrol shall ensure that the system is so configured as to permit the transmission through the system of that information. Upon making that information available through the law enforcement automated data system, the sheriff shall immediately issue to the person a temporary emergency license to carry a concealed handgun.

If the sheriff denies the issuance of a temporary emergency license to the person, the sheriff shall specify the ground for the denial in a written notice to the person. The person may appeal the denial in the same manners specified in division (D)(2) of section 2923.125 of the Revised Code, regarding the denial of an application for a license to carry a concealed handgun under that section.

The temporary emergency license under this division shall be in the form, and shall include all of the information, described in division (A)(2) of section 109.731 of the Revised Code, provided that the license also shall conspicuously specify that it is a temporary emergency license and the date of its issuance.

The temporary emergency license issued under this division is valid for ninety days and may not be renewed. A person who has been issued a temporary emergency license under this division shall not be issued another temporary emergency license unless at least four years has expired since the issuance of the prior temporary emergency license.

(C) A person who holds a temporary emergency license to carry a concealed handgun has the same right to carry a concealed handgun as a person who was issued a license to carry a concealed handgun under section 2923.125 of the Revised Code, and any exceptions to the prohibitions contained in section 1547.69 and sections 2923.12 to 2923.16 of the Revised Code for a licensee under section 2923.125 of the Revised Code apply to a licensee under this section. The person is subject to the same restrictions, and to all other procedures, duties, and sanctions, that apply to a person who carries a license issued under section 2923.125 of the Revised Code.

(D) A sheriff who issues a temporary emergency license to carry a concealed handgun under this section shall not require a person seeking to carry a concealed handgun in accordance with this section to submit a competency certificate as a prerequisite for issuing the license and shall comply with division (H) of section 2923.125 of the Revised Code in regards to the license. The sheriff may revoke the license upon receiving information, verifiable by public documents, that the person is not eligible to possess a firearm under either the laws of this state or of the United States or that the person committed perjury in obtaining the license. The sheriff shall notify the person, by certified mail, return receipt requested, at the person's last known residence address that the license has been revoked and that the person is required to surrender the license at the sheriff's office within ten days of the date on which the notice was mailed.

(E) A sheriff who issues a temporary emergency license to carry a concealed handgun under this section shall retain, for the entire period during

which the temporary emergency license is in effect, the evidence of imminent danger that the person submitted to the sheriff and that was the basis for the license, or a copy of that evidence, as appropriate.

(F) If a temporary emergency license to carry a concealed handgun issued under this section is lost or is destroyed, the licensee may obtain from the sheriff who issued that license a duplicate license upon the payment of a fee of fifteen dollars and the submission of an affidavit attesting to the loss or destruction of the license. The sheriff, in accordance with the procedures prescribed in section 109.731 of the Revised Code, shall place on the replacement license a combination of identifying numbers different from the combination on the license that is being replaced.

(G) Section 2923.129 of the Revised Code applies in regards to the issuance of a temporary emergency license to carry a concealed handgun.

(H) The Ohio peace officer training commission shall prescribe, and shall make available to sheriffs, a standard form to be used under division (B) of this section by a person who applies for a temporary emergency license to carry a concealed handgun on the basis of imminent danger of a type described in division (A)(1)(a) of this section."

In line 2128, after "handgun" insert "under section 2923.125 or 2923.1213 of the Revised Code"

In line 2129, after "(1)" insert "Knowingly transport or have a loaded handgun in a motor vehicle unless the loaded handgun either is in a holster and in plain sight on the person's person or it is securely encased by being stored in a closed, locked glove compartment or in a case that is in plain sight and that is locked:

(2) If the person is transporting or has a loaded handgun in a motor vehicle in a manner authorized under division (E)(1) of this section, knowingly remove or attempt to remove the loaded handgun from the holster, glove compartment, or case, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person's hands or fingers while the motor vehicle is being operated on a street, highway, or public property unless the person removes, attempts to remove, grasps, holds, or has the contact with the loaded handgun pursuant to and in accordance with directions given by a law enforcement officer;

(3)"; after "a" insert "motor"

In line 2132, after "vehicle" insert "in any manner"

Between lines 2136 and 2137, insert:

"(4) If the person is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose and if the person is transporting or has a loaded handgun in the motor vehicle in any manner, knowingly disregard or fail to comply with any lawful order of any

law enforcement officer given while the motor vehicle is stopped, knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless, regarding a failure to remain in the motor vehicle or to keep the person's hands in plain sight, the failure is pursuant to and in accordance with directions given by a law enforcement officer;"

In line 2137, delete "(2)" and insert "(5)"; after "a" insert "motor"

In line 2140, after "vehicle" insert "in a manner authorized under division (E)(1) of this section"

Delete line 2142 and insert "remove or attempt to remove the loaded handgun from the holster, glove compartment, or case, knowingly grasp or hold the loaded handgun, or knowingly have"

In line 2143, delete "a" and insert "the"; after "handgun" insert "by touching it with the person's hands or fingers"

In line 2145, delete "possesses or"

Delete line 2146

In line 2147, delete "accordance with explicit instructions" and insert "removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions"

In line 2210, after "2923.125" insert "or 2923.1213"

In line 2217, delete all after "(c)"

Delete line 2218

In line 2219, delete "vehicle, and either" and insert "Either"; after "sight" insert "on the person's person"

In line 2221, delete "gun"

Delete lines 2223 through 2228

In line 2229, after "~~(E)~~" insert "(G)(1)"; reinsert "The affirmative defenses"; after "~~contained~~" insert "authorized"; reinsert "in divisions"; after "~~(E)~~" insert "(D)"; reinsert "(1)"

Reinsert line 2230

In line 2231, reinsert "defenses to a charge under division (B) or (C) of this section"; after the reinserted "section" insert "that involves a firearm other than a handgun"; reinsert the stricken comma

Delete lines 2232 through 2264 and insert:

"(2) It is an affirmative defense to a charge under division (B) or (C) of this section of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and

while the motor vehicle was on the actor's own property, provided that this affirmative defense is not available unless the person, prior to arriving at his own property, did not transport or possess the handgun in a motor vehicle in a manner prohibited by division (B) or (C) of this section while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic."

In line 2274, delete "(1)" and insert "(3)"

In line 2275, after the period insert "A violation of division (E)(1), (2), or (5) of this section is a felony of the fifth degree."

In lines 2276 and 2278, delete "(2)" and insert "(4)"

In line 2288, delete "recklessly" and insert "knowingly"

In line 2289, delete "2923.125" and insert "2923.126"

In line 2293, delete "(H)" and insert "(I)"

Between lines 2294 and 2295, insert:

"(J) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop."

In line 2295, delete "(J)" and insert "(K)"

In line 3034, after "2913.02," insert "2913.04,"

In line 3087, after "2923.125" insert "or 2923.1213"

In line 3744, after "2004" insert ", or the earliest date permitted by law, whichever is later"

In lines 3748, 3761, and 3798, delete "2923.1212" and insert "2923.1213"

In line 3814, delete "and"; after "2923.1212" insert ", and 2923.1213"

In line 1 of the title, after "2913.02," insert "2913.04,"

In line 7 of the title, after "2923.1212," insert "2923.1213,"

Managers on the Part of the  
House of Representatives

Managers on the Part of the  
Senate

/s/ JAMES ASLANIDES  
JAMES ASLANIDES

/s/ DOUG WHITE  
DOUG WHITE

/s/ ROBERT E. LATTA  
ROBERT E. LATTA

/s/ SCOTT R. NEIN  
SCOTT R. NEIN

/s/ MARC DANN  
MARC DANN

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



agreed to?"

The yeas and nays were taken and resulted - yeas 70, nays 27, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Blasdel	Book
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Cirelli	Clancy
Collier	Core	Daniels	DeWine
Distel	Domenick	Evans C.	Faber
Fessler	Flowers	Gibbs	Gilb
Grendell	Hagan	Hartnett	Harwood
Hollister	Hoops	Hughes	Husted
Jolivette	Kearns	Latta	Martin
McGregor	Niehaus	Oelslager	Olman
Patton T.	Peterson	Raga	Rausen
Redfern	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Smith G.
Stewart D.	Stewart J.	Taylor	Trakas
Wagner	Walcher	Webster	White
Widener	Willamowski	Williams	Wilson
Wolpert			Householder-70.

Those who voted in the negative were: Representatives

Barrett	Beatty	Brinkman	Brown
Chandler	DeBose	DeGeeter	Driehaus
Jerse	Key	Kilbane	Koziura
Mason	Miller	Otterman	Patton S.
Perry	Price	Skindell	Smith S.
Strahorn	Sykes	Ujvagi	Widowfield
Woodard	Yates		Young-27.

The report of the committee of Conference was agreed to.

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

Representative Book submitted the following report:

The standing committee on Civil and Commercial Law to which was referred **H. B. No. 292**-Representative Oelslager, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: FILING ASBESTOS CLAIMS

Representative Seitz moved to amend the title as follows:

Add the names: "Seitz, Widener."

WILLIAM J. SEITZ  
TONY CORE  
JOHN R. WILLAMOWSKI

CHRIS WIDENER  
TIMOTHY J. GRENDSELL  
ROBERT E. LATTA

JAMIE CALLENDER

The following members voted "NO"

SANDRA STABILE HARWOOD  
TODD BOOK

JOYCE BEATTY  
LANCE T. MASON

### MOTIONS AND RESOLUTIONS

Representative Trakas moved that majority party members asking leave to be absent or absent the week of Tuesday, December 9, 2003, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Miller moved that minority party members asking leave to be absent or absent the week of Tuesday, December 9, 2003, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

### BILLS FOR THIRD CONSIDERATION

Representative Cates moved that House Rule 65, pertaining to bills being placed on the calendar, be suspended and that **H. B. No. 292**-Representative Oelslager be taken up for immediate consideration the third time.

The motion was agreed to without objection.

**H. B. No. 292**-Representative Oelslager.

To amend sections 1701.76 and 1701.82 and to enact sections 2307.91 to 2307.97 of the Revised Code to establish minimum medical requirements for filing certain asbestos claims and to establish limitations on successor asbestos-related liabilities relating to corporations, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 61, nays 36, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Blasdel	Brinkman
Buehrer	Callender	Calvert	Carmichael
Cates	Clancy	Collier	Core
Daniels	DeWine	Distel	Driehaus
Faber	Fessler	Flowers	Gibbs
Gilb	Grendell	Hagan	Hartnett
Hoops	Hughes	Husted	Jolivette
Kilbane	Latta	Martin	McGregor

Niehaus	Oelslager	Olman	Patton T.
Perry	Peterson	Raga	Rausen
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seaver	Seitz
Setzer	Smith G.	Taylor	Trakas
Wagner	White	Widener	Widowfield
Willamowski	Williams	Wolpert	Young
			Householder-61.

Those who voted in the negative were: Representatives

Barrett	Beatty	Book	Brown
Carano	Chandler	Cirelli	DeBose
DeGeeter	Domenick	Evans C.	Harwood
Hollister	Jerse	Kearns	Key
Koziura	Mason	Miller	Otterman
Patton S.	Price	Redfern	Sferra
Skindell	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Ujvagi	Walcher
Webster	Wilson	Woodard	Yates-36.

The bill passed.

Representative Oelslager moved to amend the title as follows:

Add the names: "Aslanides, Collier, Daniels, Faber, Flowers, Schaffer, Setzer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

#### Message from the Senate

Mr. Speaker:

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

**Sub. H. B. No. 133** - Representatives Olman, Driehaus, Strahorn, Carmichael, Distel, Hartnett, G. Smith, Niehaus, Schmidt, Barrett, Fessler, Harwood, Hollister, Hughes, Latta, McGregor, S. Patton, T. Patton, Price, Reidelbach, Seitz, J. Stewart. Senator Blessing.

To amend sections 4906.06, 4906.08, 4906.10, 4906.98, 4906.99, 4928.62, and 4928.63 and to enact section 4906.97 of the Revised Code to change filing and notice timelines for applications filed with the Power Siting Board; to modify approval standards regarding a major electric generating facility; to authorize the Board or its chairperson to order the suspension of an activity during the Board's consideration of a complaint about the activity; to authorize the Board to impose a forfeiture for a violation of power siting law; and to modify the provision of financial assistance under the Energy Efficiency

Revolving Loan Program.

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

Attest: Matthew T. Schuler,  
Clerk.

Representative Cates moved that Joint Rule No. 16, be suspended and that the Senate amendments to **Sub. H. B. No. 133**-Representative Olman, et al., be taken up for immediate consideration.

The motion was agreed to.

The Senate amendments to **Sub. H. B. No. 133**-Representative Olman, et al., were taken up for consideration.

**Sub. H. B. No. 133**-Representatives Olman, Driehaus, Strahorn, Carmichael, Distel, Hartnett, G. Smith, Niehaus, Schmidt, Barrett, Fessler, Harwood, Hollister, Hughes, Latta, McGregor, S. Patton, T. Patton, Price, Reidelbach, Seitz, J. Stewart. -Senator Blessing.

To amend sections 4906.06, 4906.08, 4906.10, 4906.98, 4906.99, 4928.62, and 4928.63 and to enact section 4906.97 of the Revised Code to change filing and notice timelines for applications filed with the Power Siting Board; to modify approval standards regarding a major electric generating facility; to authorize the Board or its chairperson to order the suspension of an activity during the Board's consideration of a complaint about the activity; to authorize the Board to impose a forfeiture for a violation of power siting law; and to modify the provision of financial assistance under the Energy Efficiency Revolving Loan Program.

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

12-10-03

The Honorable Larry Householder, Speaker  
The Ohio House of Representatives  
Columbus, Ohio  
Speaker Householder,

Pursuant to House Rule No. 56, I respectfully request that I be excused from voting on Sub. H.B. No. 133, because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ KEVIN DEWINE

State Representative Kevin DeWine

70th House District

The request was granted.

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	Book	Brinkman	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DeGeeter	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	White	Widener	Widowfield
Williamowski	Williams	Wilson	Wolpert
Woodard	Yates	Young	Householder-96.

The Senate amendments were concurred in.

#### 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. 311** - Representatives Hagan, Miller, Allen, Barrett, Beatty, Calvert, Clancy, Core, C. Evans, Faber, Flowers, Hartnett, Hughes, Husted, Jerse, S. Patton, T. Patton, Peterson, Raga, Schlichter, Schmidt, Strahorn, Trakas, Ujvagi, Wilson, Aslanides, Book, Brown, Callender, Carano, Carmichael, Chandler, Collier, Daniels, DeBose, DeGeeter, Distel,

Domenick, Driehaus, Gilb, Grendell, Harwood, Hollister, Jolivette, Key, Kilbane, Koziura, Latta, Martin, McGregor, Niehaus, Oelslager, Olman, Otterman, Perry, Price, Raussen, Redfern, Reinhard, Schaffer, Schneider, Seaver, Sferra, Skindell, G. Smith, S. Smith, D. Stewart, J. Stewart, Sykes, Taylor, Wagner, Walcher, White, Widowfield, Woodard, Yates, Young. Senators Spada, Hagan, Harris, White, Randy Gardner, Schuring, Jacobson, Mumper, Robert Gardner, Brady, Dann, Prentiss, Miller, Fingerhut, Fedor, DiDonato, Zurz, Carnes, Armbruster, Austria, Goodman, Roberts, Mallory.

To amend sections 127.16 and 2921.13 and to enact sections 5110.01, 5110.02, 5110.03, 5110.05, 5110.07 to 5110.19, 5110.21, 5110.22, 5110.23, 5110.25, 5110.26, 5110.27, 5110.28, 5110.29, 5110.32, 5110.33, 5110.35, 5110.351, 5110.352, 5110.353, 5110.354, 5110.36 to 5110.40, 5110.45 to 5110.51, 5110.55 to 5110.59, and 5110.99 of the Revised Code to create the Ohio's Best Rx Program and to make an appropriation.

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

In line 530, delete "and" and insert "or"

Attest:

Matthew T. Schuler,  
Clerk.

Representative Cates moved that Joint Rule No. 16, be suspended and that the Senate amendment to **Am. Sub. H. B. No. 311**-Representative Hagan, et al., be taken up for immediate consideration.

The motion was agreed to.

The Senate amendment to **Am. Sub. H. B. No. 311**-Representative Hagan, et al., was taken up for consideration.

**Am. Sub. H. B. No. 311**-Representatives Hagan, Miller, Allen, Barrett, Beatty, Calvert, Clancy, Core, C. Evans, Faber, Flowers, Hartnett, Hughes, Husted, Jerse, S. Patton, T. Patton, Peterson, Raga, Schlichter, Schmidt, Strahorn, Trakas, Ujvagi, Wilson, Aslanides, Book, Brown, Callender, Carano, Carmichael, Chandler, Collier, Daniels, DeBose, DeGeeter, Distel, Domenick, Driehaus, Gilb, Grendell, Harwood, Hollister, Jolivette, Key, Kilbane, Koziura, Latta, Martin, McGregor, Niehaus, Oelslager, Olman, Otterman, Perry, Price, Raussen, Redfern, Reinhard, Schaffer, Schneider, Seaver, Sferra, Skindell, G. Smith, S. Smith, D. Stewart, J. Stewart, Sykes, Taylor, Wagner, Walcher, White, Widowfield, Woodard, Yates, Young. -Senators Spada, Hagan, Harris, White, Randy Gardner, Schuring, Jacobson, Mumper, Robert Gardner, Brady, Dann, Prentiss, Miller, Fingerhut, Fedor, DiDonato, Zurz, Carnes, Armbruster, Austria, Goodman, Roberts, Mallory.

To amend sections 127.16 and 2921.13 and to enact sections 5110.01, 5110.02, 5110.03, 5110.05, 5110.07 to 5110.19, 5110.21, 5110.22, 5110.23, 5110.25, 5110.26, 5110.27, 5110.28, 5110.29, 5110.32, 5110.33, 5110.35, 5110.351, 5110.352, 5110.353, 5110.354, 5110.36 to 5110.40, 5110.45 to 5110.51, 5110.55 to 5110.59, and 5110.99 of the Revised Code to create the Ohio's Best Rx Program and to make an appropriation.

The question being, "Shall the Senate amendment 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	Book	Brown	Buehrer
Callender	Calvert	Carano	Carmichael
Cates	Chandler	Cirelli	Clancy
Collier	Core	Daniels	DeBose
DeGeeter	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
Oلمان	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	White	Widener	Widowfield
Willamowski	Williams	Wilson	Wolpert
Woodard	Yates	Young	Householder-96.

Representative Brinkman voted in the negative-1.

The Senate amendment was concurred in.

#### 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. 51** - Representatives Hughes, Willamowski, Oelslager, Harwood, Book, Brown, Carmichael, C. Evans, Fessler, Flowers, Gilb, Hartnett, Latta, Martin, McGregor, T. Patton, Perry, Reidelbach, Schmidt, Schneider, Skindell, S. Smith, D. Stewart, Yates.

To amend sections 109.572, 313.12, 2106.01, 2106.02, 2107.19, 2108.50, 2109.301, 2109.32, 2113.53, 2117.06, 2117.07, 2117.11, 2117.12, 2151.421, 2311.14, 2930.03, 5120.173, 5123.081, 5123.50, 5123.51, 5123.61, 5123.99, 5126.28, 5126.30, and 5126.33 and to enact sections 2101.163, 2108.521, 2152.821, 2903.341, 2930.061, 2945.482, 2945.491, 5123.541, 5123.542, 5123.614, 5126.058, 5126.331, 5126.332, and 5126.333 of the Revised Code relative to the election by a surviving spouse, notice of admission of a will to probate, accounts of administrators and executors, distribution of estate assets, presentation of creditors' claims to distributees, dispute resolution procedures in probate court, time for presenting claims against an estate, to implement the recommendations of the MR/DD Victims of Crime Task Force, to make related changes in the law, and to amend the version of section 5123.50 of the Revised Code that is scheduled to take effect December 31, 2003, to continue the provisions of this act on and after that effective date.

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

In line 23, delete "109.572, 313.12,"

In line 24, delete "2108.50,"

In line 25, after the first comma insert "and"; delete ", 2151.421, 2311.14, 2930.03, 5120.173, 5123.081,"

Delete line 26

In line 27, delete "sections" and insert "section"; delete ", 2108.521, 2152.821, 2903.341,"

Delete line 28

In line 29, delete "5126.058, 5126.331, 5126.332, and 5126.333"

Delete lines 31 through 314

Delete lines 488 through 560

In line 821, delete "All" and insert "Except as provided in section 2117.061 of the Revised Code, all"

In line 826, delete "A" and insert "Except as provided in section 2117.061 of the Revised Code, a"

Delete lines 954 through 3437

In line 3438, delete "109.572, 313.12,"

In line 3439, delete "2108.50,"

In line 3440, after "2117.11," insert "and"; delete ", 2151.421, 2311.14, 2930.03, 5120.173,"



Delete line 3441

In line 3442, delete "and 5126.33"

In line 3443, after "**Section 3.**" delete the balance of the line

Delete lines 3444 through 3510

In line 3511, delete "**Section 8.**"

In line 3520, delete "**9.**" and insert "**4.**"

Attest:

Matthew T. Schuler,  
Clerk.

Representative Cates moved that Joint Rule No. 16, be suspended and that the Senate amendments to **Am. Sub. H. B. No. 51**-Representative Hughes, et al., be taken up for immediate consideration.

The motion was agreed to.

The Senate amendments to **Am. Sub. H. B. No. 51**-Representative Hughes, et al., were taken up for consideration.

**Am. Sub. H. B. No. 51**-Representatives Hughes, Willamowski, Oelslager, Harwood, Book, Brown, Carmichael, C. Evans, Fessler, Flowers, Gilb, Hartnett, Latta, Martin, McGregor, T. Patton, Perry, Reidelbach, Schmidt, Schneider, Skindell, S. Smith, D. Stewart, Yates.

To amend sections 2106.01, 2106.02, 2107.19, 2109.301, 2109.32, 2113.53, 2117.06, 2117.07, 2117.11, and 2117.12 and to enact section 2101.163 of the Revised Code relative to the election by a surviving spouse, notice of admission of a will to probate, accounts of administrators and executors, distribution of estate assets, presentation of creditors' claims to distributees, dispute resolution procedures in probate court, and time for presenting claims against an estate.

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

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	Book	Brinkman	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DeGeeter	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	White	Widener
Widowfield	Willamowski	Williams	Wilson
Wolpert	Woodard	Yates	Young
			Householder-97.

The Senate amendments were concurred in.

On motion of Representative Cates, the House adjourned until Thursday, December 11, 2003 at 1:00 o'clock p.m.

Attest:

LAURA P. CLEMENS,  
Clerk.