

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, DECEMBER 14, 2004

TWO HUNDRED FORTY-FIFTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, December 14, 2004 at 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Father Robert Willmann of the St. Rose Catholic Church in New Lexington, Ohio, followed by the Pledge of Allegiance to the Flag.

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

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

The Upper Arlington High School girls and boys lacrosse teams received House Resolutions 252 and 253, respectively, presented by Representative G. Smith-24th district.

The Upper Arlington High School girls tennis team received House Resolution 299, presented by Representative G. Smith-24th district.

Dedrea Ridel, a guest of Representative Olman-46th district.

Travis Jerwers, a guest of Representative Hoops-75th district.

### CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Am. Sub. H. B. No. 11**-Representative Jerse, et al., were taken up for consideration.

**Am. Sub. H. B. No. 11**-Representatives Jerse, Redfern, Allen, Raga, Miller, Widowfield, S. Patton, Hartnett, Kearns, Seitz, Oelslager, D. Stewart, Hollister, Strahorn, Boccieri, Sykes, Perry, Olman, DePiero, Hagan, Otterman, Raussen, Sferra, Price, Carano, Ujvagi, Koziura, Seaver, Domenick, Yates, G. Smith, Cirelli, Fessler, DeBose, Reidelbach, Barrett, Harwood, Schneider, Blasdel, Hoops, Taylor, White, Beatty, Book, Carmichael, Cates, Chandler, Collier, Daniels, Distel, Driehaus, C. Evans, D. Evans, Faber, Flowers, Gilb, Grendell, Hughes, Jolivette, Key, Kilbane, Mason, McGregor, Niehaus, T. Patton, Schaffer, Schmidt, Setzer, Skindell, S. Smith, Trakas, Wilson, Woodard. -Senators Austria, Amstutz, Carey, Coughlin, Dann, Fedor, Fingerhut, Robert Gardner, Hagan, Harris, Miller, Mumper, Padgett, Prentiss, Spada, White, Zurz.

To amend sections 109.572, 307.86, 329.06, 2151.011, 2923.124, 3109.051, 3109.18, 3301.52, 3301.521, 3301.53, 3301.56, 3301.59, 3313.646, 3318.01, 3701.21, 3737.22, 3742.01, 3742.02, 3742.06, 3742.07, 3742.071, 3742.35, 3742.36, 3742.37, 3742.38, 3742.39, 3742.40, 3742.41, 3742.42, 3742.43, 3742.45, 3742.48, 5101.16, 5101.47, 5101.851, 5101.97, 5104.01, 5104.011, 5104.013, 5104.015, 5104.02, 5104.03, 5104.04, 5104.053, 5104.06, 5104.07,

5104.08, 5104.081, 5104.09, 5104.11, 5104.12, 5104.30, 5104.301, 5104.31, 5104.32, 5104.33, 5104.34, 5104.341, 5104.35, 5104.36, 5104.38, 5104.382, 5104.39, 5104.40, 5104.41, 5104.42, 5104.43, 5104.99, 5107.16, 5107.26, 5107.30, 5107.58, 5107.66, 5733.38, 5733.98, 5747.36, and 5747.98; to enact sections 2151.861, 2919.223, 2919.224, 2919.225, 2919.226, 2919.227, and 5153.175; and to repeal section 5104.381 of the Revised Code to create the offenses of misrepresentation by a child day-care provider, failure of a child day-care center to disclose the death or serious injury of a child, and failure of a type A or type B family day-care home to disclose the death or serious injury of a child; to revise the law pertaining to child day-care; to include additional offenses in criminal background checks of child care providers; to regulate criminal background checks performed for child day camps; and to make changes in the law governing certification of type B family day-care homes.

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

The yeas and nays were taken and resulted - yeas 94, nays 0, as follows:

Those who voted in the affirmative were: Representatives

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

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 36**-Representative Willamowski, et al., were taken up for consideration.

**Sub. H. B. No. 36**-Representatives Willamowski, Core, Latta, Book, Harwood, Schlichter, Seitz, Chandler, Cirelli, C. Evans, Flowers, Hagan,

Hughes, Otterman, Reidelbach, Schmidt, J. Stewart. -Senators Blessing, Dann.

To amend section 3105.18 and to enact section 3105.73 of the Revised Code relative to the award of attorney's fees and litigation expenses in certain domestic relations cases.

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

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

Those who voted in the affirmative were: Representatives

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

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 181**-Representative Schaffer, et al., were taken up for consideration.

**Sub. H. B. No. 181**-Representatives Schaffer, McGregor, Willamowski, Allen, Flowers, Brinkman, C. Evans, Setzer, Wolpert, Aslanides, G. Smith, Buehrer, Carmichael, Collier, Daniels, Domenick, D. Evans, Faber, Gibbs, Gilb, Hartnett, Harwood, Key, Niehaus, Olman, Otterman, Seaver, Sferra. -Senators Austria, Jacobson, Spada.

To amend sections 101.34, 102.01, 102.02, 102.031, 102.06, and 102.99 and to enact sections 3.16, 102.021, and 2961.02 of the Revised Code to permit a special commission of retired judges appointed by the Chief Justice of the Supreme Court to suspend from office in accordance with a specified

procedure any elected local government official, other than a judge, charged with a felony related to the official's administration of, or conduct in the performance of the duties of, the office; to prohibit a person who is convicted of certain felony theft offenses, or any other felony involving fraud, deceit, or theft, from holding a public office or position of public employment or from serving in certain unpaid volunteer positions, that involve substantial management or control of certain public or private property; and to require former state elected officers and staff members who were required to file financial disclosure statements to continue for a twenty-four month period to report specified information relating to certain income, gifts, and expenditures.

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

The yeas and nays were taken and resulted - yeas 77, nays 18, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Blasdel	Brinkman
Brown	Buehrer	Callender	Calvert
Carano	Carmichael	Cates	Clancy
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Domenick
Driehaus	Evans C.	Evans D.	Faber
Flowers	Gibbs	Gilb	Grendell
Hagan	Hartnett	Harwood	Hollister
Hoops	Hughes	Husted	Jerse
Kearns	Kilbane	Koziura	Latta
Martin	Mason	McGregor	Miller
Niehaus	Oelslager	Olman	Patton T.
Peterson	Price	Raga	Rausen
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seaver	Seitz
Setzer	Slaby	Smith G.	Stewart D.
Stewart J.	Taylor	Trakas	Ujvagi
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Wolpert
			Householder-77.

Those who voted in the negative were: Representatives

Barrett	Beatty	Bocchieri	Chandler
Cirelli	Distel	Fessler	Key
Otterman	Patton S.	Perry	Redfern
Skindell	Smith S.	Strahorn	Sykes
Wilson			Yates-18.

The Senate amendments were concurred in.

Representative Schaffer moved to amend the title as follows:

Remove the names: "Allen, Otterman."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

The Senate amendments to **Am. Sub. H. B. No. 406**-Representative Wagner, et al., were taken up for consideration.

**Am. Sub. H. B. No. 406**-Representatives Wagner, McGregor, Seitz, Setzer, Collier, DeGeeter, Taylor, Otterman, Latta, Allen, Hollister, Chandler, Kearns, Ujvagi, Webster, Gilb, Flowers, Callender, Brown, Willamowski, D. Evans, Buehrer, Aslanides, Barrett, Beatty, Carmichael, Cirelli, Core, Distel, Domenick, C. Evans, Hagan, Hartnett, Harwood, Hughes, Key, Miller, Oelslager, T. Patton, Price, Reidelbach, Reinhard, Schmidt, D. Stewart, Wilson, Wolpert. -Senators Armbruster, Coughlin, Robert Gardner, Roberts, Schuler, Spada, Wachtmann.

To amend sections 1503.05, 1541.22, 4501.21, 4503.54, 4503.591, 5537.07 and 5537.26 and to enact sections 955.201, 955.202, 4503.431, 4503.432, 4503.491, 4503.501, 4503.502, 4503.521, 4503.522, 4503.541, 4503.543, 4503.544, 4503.545, 4503.551, 4503.552, 4503.562, 4503.573, 4503.574, 4503.575, 4503.74, and 4511.031 of the Revised Code to prohibit the use or possession of a portable signal preemption device under certain conditions; to create "National Defense" license plates, "U.S. Armed Forces Active Duty" license plates, Armed Forces Expeditionary Medal license plates, special motorcycle license plates for retired and honorably discharged veterans, "Silver Star" license plates and "Bronze Star Medal" license plates, "4-H license plates," "Ohio Cattlemen's Foundation Beef" license plates, "Share the Road" license plates, the "Pets" license plate and the Pets Program Funding Board and Pet Support Fund, "Breast Cancer Awareness" license plates, "Rock and Roll Hall of Fame" license plates, "Mahoning River" license plates, four different "Sportsmen's License Plates" featuring either the walleye, smallmouth bass, white-tailed deer, or wild turkey, "Smokey Bear" license plates, "Ohio State Parks" license plates, "Ohio Zoo" license plates, "Perry Monument" license plate, and "National Rifle Association Foundation" license plates; to provide an additional procedure for the issuance of license plates bearing the logo of a professional sports team; to increase the competitive bid threshold for the Ohio Turnpike Commission; to allow the Ohio Turnpike Commission to decrease toll rates without holding public hearing; and to make an appropriation.

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

The yeas and nays were taken and resulted - yeas 85, nays 10, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Brown	Buehrer
Callender	Carano	Carmichael	Cates
Chandler	Cirelli	Clancy	Collier
Combs	Core	Daniels	DeBose
DeGeeter	DeWine	Distel	Domenick
Evans C.	Evans D.	Faber	Flowers
Gibbs	Gilb	Grendell	Hagan

Hartnett	Harwood	Hollister	Hoops
Hughes	Husted	Kearns	Key
Kilbane	Koziura	Latta	Martin
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	Patton S.
Patton T.	Peterson	Price	Redfern
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seaver	Seitz
Setzer	Slaby	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Taylor
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Wilson	Wolpert	Yates
			Householder-85.

Those who voted in the negative were: Representatives

Brinkman	Calvert	Driehaus	Fessler
Jerse	Perry	Raga	Raussen
Skindell			Sykes-10.

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 463**-Representative Combs, et al., were taken up for consideration.

**Sub. H. B. No. 463**-Representatives Combs, Clancy, Hollister, Collier, Flowers, Schneider, Wolpert, Hagan, Hughes, McGregor, Daniels, Walcher, Wilson, Jerse, Carano, Seaver, Harwood, Martin, Beatty, DeBose, S. Smith, Barrett, Allen, C. Evans, Key, Mason, Miller, Otterman, S. Patton, Sferra, D. Stewart, Strahorn, Sykes. -Senators Armbruster, Harris, Spada, Robert Gardner.

To amend sections 3313.67, 3313.671, and 3701.13 and to enact section 3701.134 of the Revised Code to require students to be immunized against chicken pox subject to certain exceptions.

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

The yeas and nays were taken and resulted - yeas 67, nays 28, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocieri	Brown	Carano
Carmichael	Chandler	Clancy	Collier
Combs	Daniels	DeBose	DeGeeter
DeWine	Distel	Driehaus	Evans C.
Evans D.	Flowers	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Kearns	Key	Kilbane	Latta
Martin	Mason	McGregor	Miller
Niehaus	Oelslager	Olman	Otterman
Patton S.	Patton T.	Perry	Peterson
Price	Redfern	Reinhard	Schaffer

Schlichter	Seaver	Seitz	Skindell
Slaby	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Ujvagi	Walcher
Webster	White	Widener	Wilson
Wolpert	Yates		Householder-67.

Those who voted in the negative were: Representatives

Brinkman	Buehrer	Callender	Calvert
Cates	Cirelli	Core	Domenick
Faber	Fessler	Gibbs	Gilb
Grendell	Husted	Jerse	Koziura
Raga	Raussen	Reidelbach	Schmidt
Schneider	Setzer	Smith G.	Taylor
Trakas	Wagner	Widowfield	Willamowski-28.

The Senate amendments were concurred in.

### REPORTS OF CONFERENCE COMMITTEES

Representative Webster 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. 432, Representative Webster - 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 281, delete "The" and insert "For the purpose of funding and conducting ground water monitoring at construction and demolition debris facilities by boards of health of health districts that are on the approved list under section 3714.09 of the Revised Code and the director of environmental protection, the"; delete "of environmental protection"

In line 284, delete "cubic"

In line 291, delete "two" and insert "five"

In line 301, delete "A" and insert "The money collected by a board of health under this section shall be paid into a special fund, which is hereby created in each health district, and used solely to fund and conduct ground water monitoring at construction and demolition debris facilities within the health district as specified in division (B) of this section. Of the money that is collected, a"; after "transmit" insert "eighty per cent of"

In line 303, delete "of environmental protection"

In line 304, delete "The"; insert:

"The"; delete "so"

In line 305, after "received" insert "under this section"

In line 311, delete "The" and insert "A board of health or the"; after "director" insert ", as applicable,"; delete "purchase" and insert "conduct ground water monitoring at construction and demolition debris facilities in accordance with this section. In order to conduct the monitoring, the board or director, as applicable, shall pay for the installation of"

In line 312, delete "equipment for and pay the cost of conducting" and insert "wells,"

In line 313, delete "monitoring" and insert "sampling, and the laboratory analysis of the ground water samples"

In line 317, delete "equipment" and insert "wells"; after "the" insert "board of health or"; after "director" insert ", as applicable,"

In line 318, delete "purchase and"; after the second "of" insert "one or more"

In line 319, delete "equipment for" and insert "wells"; delete "conducting of"; after "annual" insert "sampling and laboratory analysis of the"

In line 320, delete "monitoring"

In line 322, after "had" insert "one or more"

In line 323, delete "equipment" and insert "wells"; after "the" insert "board of health or"; after "director" insert ", as applicable,"

In line 324, delete "purchase and"; after the second "of" insert "one or more"

In line 325, delete "equipment" and insert "wells"; delete "conducting of"; after "annual" insert "sampling and laboratory analysis of the"

In line 326, delete "monitoring"; delete "amount" and insert "facility's annual cost of ground water monitoring"

In line 332, delete "equipment" and insert "wells"

In line 333, delete "operating" and insert "has incurred monitoring costs"; after "shall" insert "retain for three years all documents evidencing the cost of the ground water monitoring. If the board or director, as applicable, requests documents evidencing the cost of the ground water monitoring, the owner or operator of the facility shall"; after the first "the" insert "board or"; after "director" insert ", as applicable,"

In line 335, delete "The" and insert "A board of health or the"; after "director" insert ", as applicable,"; delete the second "the"

In line 336, delete the first "of" and insert "for"; delete "equipment"

In line 338, after the underlined comma insert "a board of health or"; after "director" insert ", as applicable,"

In line 339, delete "equipment" and insert "wells"

In line 340, after "the" insert "applicable"

In line 341, after the underlined period insert "The director shall consult with boards of health to determine the priority of ground water monitoring at construction and demolition debris facilities that are licensed under this chapter."

Between lines 341 and 342, insert:

"(E) The director may adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to administer this section.

(F) A board of health or the director, as applicable, may enter into contracts for the purpose of conducting ground water monitoring that is required in this section."

In line 344, after "shall" insert "allow a board of health or the director of environmental protection, as applicable, to"; after "monitoring" insert "at the facility"

In line 345, after "quality" insert "as provided in section 3714.071 of the Revised Code"; delete "of environmental"

In line 346, delete "protection"

Managers on part of the  
House of Representatives

/S/ SHAWN WEBSTER  
SHAWN WEBSTER

/S/ NANCY HOLLISTER  
NANCY HOLLISTER

/S/ DAN STEWART  
DAN STEWART

Managers on part of the  
Senate

/S/ ROBERT SPADA  
ROBERT SPADA

/S/ JEFF JACOBSON  
JEFF JACOBSON

/S/ GREGORY L. DIDONATO  
GREGORY L. DIDONATO

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

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

Those who voted in the affirmative were: Representatives

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

Martin	Mason	McGregor	Miller
Niehaus	Oelslager	Olman	Otterman
Patton S.	Patton T.	Perry	Peterson
Price	Raga	Rausen	Redfern
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seaver	Seitz
Setzer	Skindell	Slaby	Smith G.
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Taylor	Trakas	Ujvagi
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Wilson
Wolpert	Yates		Householder-95.

The report of the committee of Conference was agreed to.

### MOTIONS AND RESOLUTIONS

Representative Cates moved that House Rules be suspended and that the following resolution be brought up for immediate adoption, read in full, and spread upon the pages of the journal.

The motion was agreed to without objection.

The question being on the adoption of the resolution, reading as follows:

**H. R. No. 301**-Speaker Householder, Representatives Redfern, Allen, Aslanides, Barrett, Beatty, Blasdel, Boccieri, Book, Brinkman, Brown, Buehrer, Callender, Calvert, Carano, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Combs, Core, Daniels, DeBose, DeGeeter, DeWine, Distel, Domenick, Driehaus, C. Evans, D. Evans, Faber, Fessler, Flowers, Gibbs, Gilb, Grendell, Hagan, Hartnett, Harwood, Hollister, Hoops, Hughes, Husted, Jerse, Kearns, Key, Kilbane, Koziura, Latta, Martin, Mason, McGregor, Miller, Niehaus, Oelslager, Olman, Otterman, S. Patton, T. Patton, Perry, Peterson, Price, Raga, Rausen, Reidelbach, Reinhard, Schaffer, Schlichter, Schmidt, Schneider, Seaver, Seitz, Setzer, Sferra, Skindell, Slaby, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Sykes, Taylor, Trakas, Ujvagi, Wagner, Walcher, Webster, White, Widener, Widowfield, Willamowski, Wilson, Wolpert, Woodard, Yates, Young.

In memory of C. Lee Mantle.

*WHEREAS, The members of the House of Representatives of the 125th General Assembly of Ohio extend our heartfelt condolences to the family and friends of C. Lee Mantle in their bereavement; and*

*WHEREAS, Lee Mantle's zealous love of life and his selfless concern for the welfare of others distinguished him as an outstanding human being and as a leading citizen. A former member of both the Ohio House of Representatives and Ohio Senate, president of the Lake County Board of Education and Lake County*

*Joint Vocational School Board of Education, and member of the Painesville Township Board of Education, he was a dedicated and devoted public servant whose exemplary career serves as an inspiration for others; and*

*WHEREAS, Giving of his time, energy, and abilities far beyond what was required or expected, Lee Mantle also achieved a praiseworthy record of service as a farmer, a realtor, chairman of the Lake County Republican Party, Historical Society, and Farm Bureau, and a member of the Lake County Association of Realtors and First Congregational Church, and his untiring efforts earned him many richly deserved accolades, including being named Realtor of the Year by the Lake County Association of Realtors; and*

*WHEREAS, Lee Mantle will long be remembered for his kindness and his unwavering commitment to service. The warmth and understanding he so readily extended to others will stand as a testament to his personal character, and he will be remembered fondly by all those who knew and loved him; therefore be it*

*RESOLVED, That we, the members of the House of Representatives of the 125th General Assembly of Ohio, in adopting this Resolution, pay tribute to the memory of a truly honorable man, C. Lee Mantle; and be it further*

*RESOLVED, That the Clerk of the House of Representatives transmit a duly authenticated copy of this Resolution to the family of C. Lee Mantle.*

The resolution was adopted.

Representative Cates moved that House Rules be suspended and that the following resolution be brought up for immediate adoption, read in full, and spread upon the pages of the journal.

The motion was agreed to without objection.

The question being on the adoption of the resolution, reading as follows:

**H. R. No. 302**-Speaker Householder, Representatives Redfern, Allen, Aslanides, Barrett, Beatty, Blasdel, Boccieri, Book, Brinkman, Brown, Buehrer, Callender, Calvert, Carano, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Combs, Core, Daniels, DeBose, DeGeeter, DeWine, Distel, Domenick, Driehaus, C. Evans, D. Evans, Faber, Fessler, Flowers, Gibbs, Gilb, Grendell, Hagan, Hartnett, Harwood, Hollister, Hoops, Hughes, Husted, Jerse, Kearns, Key, Kilbane, Koziura, Latta, Martin, Mason, McGregor, Miller, Niehaus, Oelslager, Olman, Otterman, S. Patton, T. Patton, Perry, Peterson, Price, Raga, Raussen, Reidelbach, Reinhard, Schaffer, Schlichter, Schmidt, Schneider, Seaver, Seitz, Setzer, Sferra, Skindell, Slaby, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Sykes, Taylor, Trakas, Ujvagi, Wagner, Walcher, Webster, White, Widener, Widowfield, Willamowski, Wilson, Wolpert, Woodard, Yates, Young.

In memory of Joseph F. Hiestand.

*WHEREAS, The members of the House of Representatives of the 125th General Assembly of Ohio extend our heartfelt condolences to the family and*

*friends of Joseph F. Hiestand in their bereavement; and*

*WHEREAS, Joseph Hiestand's zealous love of life and his selfless concern for the welfare of others distinguished him as an outstanding human being and as a leading citizen. A U.S. Army Air Corps veteran of World War II, a member of the U.S. Air Force Reserve, a commissioner for Highland County, and a member of the Ohio House of Representatives, he was a dedicated and devoted public servant whose exemplary career serves as an inspiration for others; and*

*WHEREAS, Giving of his time, energy, and abilities far beyond what was required or expected, Joseph Hiestand also achieved a praiseworthy record of service as a farmer and a member of the Amateur Trapshooting Association, winning numerous titles between 1931 and 1972, and his untiring efforts earned him many richly deserved accolades, including induction into the ATA Hall of Fame; and*

*WHEREAS, Joseph Hiestand will long be remembered for his kindness and his unwavering commitment to service. The warmth and understanding he so readily extended to others will stand as a testament to his personal character, and he will be remembered fondly by all those who knew and loved him; therefore be it*

*RESOLVED, That we, the members of the House of Representatives of the 125th General Assembly of Ohio, in adopting this Resolution, pay tribute to the memory of a truly honorable man, Joseph F. Hiestand; and be it further*

*RESOLVED, That the Clerk of the House of Representatives transmit a duly authenticated copy of this Resolution to the family of Joseph F. Hiestand.*

The resolution was adopted.

#### 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. 132** - Representatives Setzer, McGregor, Hughes, Allen, Husted, DeWine, Schaffer, Flowers, Walcher, Aslanides, Seaver, Webster, Latta, Cirelli, C. Evans, D. Evans, Gilb, T. Patton, Raga, Reidelbach, Schmidt, Slaby Senators Austria, Amstutz, Mumper, Spada

To amend sections 2907.01, 2907.09, and 2907.31 and to enact sections 3375.351 and 3375.352 of the Revised Code to expand and modify the penalty for the offense of public indecency; to expand the criminal offense of "disseminating matter harmful to juveniles" to also prohibit selling, providing, presenting, etc., a prepaid adult entertainment card to a juvenile; to prohibit public libraries from using state money or money from a county library and local government support fund for Internet access purposes unless they install

specified types of filtering devices or filtering software and require parental approval for a juvenile to borrow library video materials; to allow a public library or its personnel to disable the filtering devices or software to enable a person to have full access to a computer for specified proper purposes; and to make funding of any public library with state money or money from a county library and local government support fund contingent upon its compliance with the filter, notice, and parental approval requirements as to use of prior state money or money from the fund.

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

Attest: Matthew T. Schuler,  
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

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

**Sub. H. B. No. 239** - Representatives Core, Seitz, McGregor, Kearns, Aslanides, Gilb, Hollister, Flowers, Schmidt, Willamowski

To amend sections 140.01, 339.06, 5155.01, 5155.02, 5155.03, 5155.04, 5155.14, 5155.16, 5155.19, 5155.27, and 5155.31, to enact new section 140.051 and sections 5155.011 and 5155.012, and to repeal sections 140.051, 5155.05, 5155.06, 5155.07, 5155.28, and 5155.30 of the Revised Code to expand the definition of costs of hospital facilities, to confirm and validate amendments made to section 140.01 and the enactment of section 140.051 of the Revised Code by Am. Sub. S.B. 109 of the 113th General Assembly in order to eliminate any legal challenges that have been or may be raised concerning the constitutionality of these amendments, to modify the conditions under which a board of county hospital trustees may obtain a secured line of credit, to permit transfer of operational authority of a county home to a board of county hospital trustees, and to authorize a board of county commissioners to contract with third parties to manage a county home.

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

Attest: Matthew T. Schuler,  
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

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

**Am. Sub. H. B. No. 426** - Representatives Ujvagi, McGregor, Harwood, Book, Perry, Price, Carano, Strahorn, Skindell, Brown, DeGeeter, Collier, Miller, Reidelbach, Mason, Domenick, Sferra, D. Stewart, S. Patton, Allen, Woodard, Distel, Hartnett, Redfern, Barrett, S. Smith, Driehaus, Wilson, Key, DeBose, Yates, Jerse, Schaffer, Seaver, Cirelli, Otterman, Wolpert, Beatty, Hoops, Koziura, Kearns, Olman, C. Evans, Sykes, Flowers, Latta, Fessler, Daniels, Hollister, Cates, Trakas, Clancy, Aslanides, Calvert, Combs, D. Evans, Gilb, Grendell, Hagan, Hughes, Kilbane, Niehaus, Oelslager, T. Patton, Peterson, Schlichter, Schmidt, Setzer, Slaby, J. Stewart, Taylor, Webster, Widener, Widowfield, Willamowski Senators Mumper, Roberts, Schuring, Fedor, Armbruster, Brady, Amstutz, Austria, Blessing, Carey, Coughlin, Dann, DiDonato, Fingerhut, Goodman, Hagan, Harris, Hottinger, Jacobson, Jordan, Mallory, Miller, Nein, Padgett, Prentiss, Randy Gardner, Robert Gardner, Spada, Wachtmann, White, Zurz

To amend sections 125.021, 3313.64, 4933.12, and 4933.121 and to enact sections 317.322, 1343.031, 1349.02, 1349.03, 1713.60, 1923.062, 3332.20, 3345.53, and 3915.053 of the Revised Code to prohibit certain creditors from charging or collecting interest or finance charges exceeding six per cent per annum on specified obligations of persons who are deployed on active duty; to permit a child whose parent is deployed on active duty to continue to attend school in the district in which the child's parent lived before being called to active military duty; to permit a child living with an agent of the child's parent appointed under a military power of attorney or a comparable document to attend school in the school district in which the agent resides; to exempt members of the armed forces of the United States from any recording fee associated with filing a military power of attorney with the county recorder; to provide under certain circumstances a tenant or resident who is deployed on active duty or a member of his or her immediate family with a stay of proceedings or an adjustment of their rental obligation in an action for possession of residential premises under the Eviction Law; to ensure that individual life insurance policies continue in force despite nonpayment of premiums during the insured's period of active duty; to prohibit a gas or electric company from disconnecting service to the residential premises of any consumer who is deployed on active duty; to allow gas and electric companies to recover arrearages incurred during a period of deployment in a specified time period and a specified manner and certain of those companies to recover certain uncollectible amounts owed by residential customers deployed on active duty through a recovery procedure approved by the Public Utilities

Commission; to require public and private institutions of higher education to grant a military leave of absence to students who are deployed on active duty, to reinstate those students to the same educational status as before active duty, and to either partially refund paid tuition or credit paid tuition to a future academic term; to permit a person deployed on active duty to terminate a motor vehicle lease or cellular phone contract under specified conditions; and to allow the Department of Administrative Services to make available bulk long distance telephone services at cost to the immediate family members of persons deployed on active duty.

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

In line 157, after "duty" insert "for a period of not less than one hundred eighty days"

In line 166, delete "notice" and insert "the lessor"; after the second underlined comma insert "a notice"

In line 167, after "lease" insert "together with a copy of the military or gubernatorial orders calling the person to active duty"

Attest:

Matthew T. Schuler,  
Clerk.

The Senate amendments were laid over under the Rule.

#### Message from the Senate

Mr. Speaker:

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

**Am. Sub. H. B. No. 473** - Representatives Hagan, Seitz, Latta, Hughes, Widowfield, McGregor, Slaby, Carano, Collier, DeGeeter, Willamowski, Buehrer, Cirelli, C. Evans, D. Evans, Faber, Fessler, Flowers, Otterman, Schaffer, Webster, Young Senators Schuring, Dann, Austria, Amstutz

To amend sections 109.42, 2921.34, 2929.01, 2929.13, 2929.14, 2929.19, 2930.16, 2941.148, 2950.01, 2950.03, 2950.031, 2950.04, 2950.041, 2950.05, 2950.09, 2950.11, 2950.99, 2953.08, 2971.01, 2971.02, 2971.03, 2971.04, 2971.05, 5120.49, and 5120.61 of the Revised Code to revise the Sex Offender Registration and Notification Law's "change of address" requirements relative to persons who do not have knowledge of a change in residence, school, institution of higher education, or place of employment address sufficiently in advance of the change to comply with the requirements' deadlines and persons whose residence address change is not to a fixed address; to include any

person adjudicated a sexual predator within that Law's registration and notification requirements; to grant prosecuting attorneys, municipal and township chief legal officers, and officials designated as prosecutors in a municipal corporation a cause of action for injunctive relief when an offender required to register under that Law violates its prohibition against residing within 1,000 feet of any school premises; to clarify that Law's criminal penalty provisions to ensure that they apply to offenders whose duties under that Law are based on a conviction that occurred in a jurisdiction other than Ohio; to clarify that the Sexually Violent Predator Sentencing Law does not require that an offender have a prior conviction of a sexually violent offense in order to be sentenced under that Law; and to increase the mandatory minimum term under the Sexually Violent Predator Sentencing Law for kidnapping with a sexual motivation specification and a sexually violent predator specification and for rape with a sexually violent predator specification.

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

In line 5683, delete "1929.14" and insert "2929.14"

Attest:

Matthew T. Schuler,  
Clerk.

The Senate amendments were laid over under the Rule.

#### Message from the Senate

Mr. Speaker:

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

**Am. Sub. H. B. No. 516** - Representatives Seitz, McGregor, Widener, Callender, Allen, Barrett, Beatty, Bocchieri, Calvert, Carano, Carmichael, Chandler, Clancy, Collier, Daniels, DeGeeter, Domenick, C. Evans, D. Evans, Flowers, Gibbs, Harwood, Hollister, Hoops, Hughes, Key, Mason, Miller, Niehaus, Otterman, T. Patton, Perry, Peterson, Raga, Raussen, Reidelbach, Schlichter, Schmidt, Schneider, Setzer, Skindell, G. Smith, J. Stewart, Strahorn, Taylor, Willamowski, Wolpert, Yates Senators Spada, Roberts, Schuler

To amend sections 123.01, 317.08, 3734.22, 3734.24 to 3734.26, 3737.88, 3737.882, 3745.01, 3746.01, 3746.04, 3746.05, 3746.10, 3746.11, 3746.13, 3746.14, and 3746.171 and to enact sections 5301.80 to 5301.92 of the Revised Code to establish environmental covenants as an interest in real property generally arising under an environmental remediation or mitigation project that imposes activity and use limitations on the property, to require the

recording of such covenants, and to establish other requirements regarding environmental covenants.

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

In the appropriate lines, insert Sections 1 through 13 of Sub. H.B. 568 of the 125th General Assembly (As Passed by the Senate) with the following changes made to Sub. H.B. 568:

In lines 56 and 4999, delete "101.02,"; delete "101.27,"

Delete lines 67 through 70

Delete lines 80 through 201

Delete lines 5280 through 5285

Make all necessary conforming and harmonization changes

In line \_\_\_\_\_, after " \_\_\_\_\_ " insert "149.305, 149.306,"

Between lines \_\_\_\_\_ and \_\_\_\_\_, insert:

"Sec. 149.305. (A) The Ohio historical society, in addition to its other public functions, shall cooperate with the Ohio African-American hall of fame governing board established in section 149.306 of the Revised Code to establish the Ohio African-American hall of fame.

(B) The purpose of the hall of fame shall be to provide recognition to African-Americans who have made significant contributions to the state. The governing board shall select the persons to be inducted into the hall of fame and conduct an annual induction ceremony in the city of Columbus.

(C)(1) Portraits of and biographical information regarding persons inducted into the hall of fame shall initially be housed and displayed in an appropriate space located within the Ohio historical center in Columbus, Ohio. The society shall consult with the governing board regarding the manner and location in which the portraits and biographical information shall be housed and displayed.

(2) Central state university also shall serve as a repository of information regarding persons inducted into the hall of fame. The university shall consult with the governing board regarding the manner and location in which the information shall be housed and displayed.

(D) The society and the governing board shall cooperate in the selection of a permanent hall of fame site. Before any real property is acquired or accepted for that purpose, they shall consult with the governing board on the design, plans, and specifications for the construction or modification of any buildings or other visitation facilities for the hall of fame. The society, in cooperation and consultation with the governing board, shall establish an acquisition policy for

the hall of fame.

(E) There is hereby created the African-American hall of fame fund, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. All donations of money, grants, and other assistance received for purposes of the hall of fame shall be deposited into the fund. Money in the fund shall be used for the expenses of the society incurred in the performance of its duties under this section and for the expenses of the hall of fame, including the reimbursement of members of the governing board. The treasurer of state shall invest any portion of the fund not needed for immediate use in the same manner as, and subject to all provisions of law with respect to the investment of, state funds. The treasurer of state shall disburse money from the fund on order of the society.

(F) After the society and governing board select a permanent site for the hall of fame, they shall establish a private, nonprofit organization that shall acquire title to, operate, and maintain the hall of fame. The society shall operate and maintain the hall of fame until the hall of fame and its contents are conveyed to the private, nonprofit organization.

The society may accept donations of historical items and artifacts for placement in the hall of fame and shall house those items and artifacts at the Ohio historical center in Columbus, Ohio. After a permanent hall of fame site is selected, the society shall cooperate with the private, nonprofit organization to loan those items and artifacts for interpretive purposes of the hall of fame.

Any historical items or artifacts donated to the private, nonprofit organization for placement in the hall of fame shall remain the property of the hall of fame as part of its permanent collection.

(G) Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.

**Sec. 149.306.** (A) There is hereby created the Ohio African-American hall of fame governing board to raise funds for the Ohio African-American hall of fame, to commission a business plan for implementation of the hall of fame, to advise the Ohio historical society in the performance of its duties under section 149.305 of the Revised Code, and to select and induct persons into the hall of fame pursuant to that section. The board shall consist of thirteen voting members who have demonstrated interest in preserving African-American history. The members shall be appointed as follows:

(1) Three members appointed by the governor;

(2) Two members appointed by the speaker of the house of representatives;

(3) Two members appointed by the president of the senate;

(4) Two members appointed by the chair of the Ohio legislative black caucus;

(5) One member appointed by the national museum of Afro-American history and culture planning committee;

(6) One member appointed by the board of directors of the national underground railroad freedom center;

(7) One member appointed by the board of trustees of the Ohio historical society;

(8) One member appointed by the board of trustees of the Ohioana library association.

(B) Initial appointments to the governing board shall be made within ninety days after the effective date of this section. Of the initial appointments, the term of one member appointed by the governor, one member appointed by the speaker of the house of representatives, one member appointed by the president of the senate, one member appointed by the chair of the Ohio legislative black caucus, the member appointed by the board of directors of the national underground railroad freedom center, and the member appointed by the board of trustees of the Ohioana library association shall be for a term ending one year after the effective date of this section. The initial terms of all other members shall be for a term ending two years after the effective date of this section. Thereafter, terms for all members shall be for two years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Members may be reappointed. Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

(C) All members of the governing board shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties. The expenses of the governing board shall be paid out of the African-American hall of fame fund created under section 149.305 of the Revised Code.

(D) The governing board shall elect a chairperson from its membership. It shall meet at least four times per year and shall keep a record of its proceedings, which shall be open to the public for inspection. A written notice of the time and place of each meeting shall be sent to each member. A majority of the members of the governing board shall constitute a quorum.

(E) The Ohio historical society may provide any necessary staff or services required by the governing board in the performance of its duties. Compensation for those services shall be paid out of the African-American hall of fame fund.

(F) The governing board may accept donations of historical items and artifacts for placement in the hall of fame and shall house those items and artifacts at the Ohio historical center in Columbus, Ohio, until a permanent hall of fame site is selected under section 149.305 of the Revised Code. After a permanent hall of fame site is selected, the governing board shall convey all donated items and artifacts to the private, nonprofit organization established under that section. All historical items and artifacts so conveyed shall remain the property of the hall of fame as part of its permanent collection. The governing board shall advise the private, nonprofit organization concerning the operation and maintenance of the hall of fame.

(G) The governing board is not subject to sections 101.82 to 101.87 of the Revised Code."

Integrate the title of Sub. H.B. 568 of the 125th General Assembly (As Passed by the Senate) with the following change:

In line 1 of the title, delete "101.02,"; delete "101.27,"

In line \_\_\_\_\_ of the title, after " \_\_\_\_\_ " insert "149.305, 149.306,"

In line \_\_\_\_\_ of the title, after " \_\_\_\_\_ " insert "and to establish the Ohio African-American Hall of Fame"

Attest:

Matthew T. Schuler,  
Clerk.

The Senate amendments were laid over under the Rule.

#### Message from the Senate

Mr. Speaker:

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

**Sub. H. B. No. 525** - Representatives Latta, Faber, McGregor, Hughes, Slaby, Gilb, Schmidt, Jerse, Willamowski, D. Evans, Aslanides, Book, Buehrer, Cirelli, Clancy, Collier, Daniels, DeBose, DeGeeter, Domenick, C. Evans, Flowers, Gibbs, Hagan, Harwood, Hoops, Koziura, Martin, Niehaus, Otterman, T. Patton, Perry, Raussen, Reidelbach, Reinhard, Schaffer, Schlichter, Schneider, Seitz, Setzer, Strahorn, Trakas, Wagner, Webster, Widener Senators Austria, Carey, Hottinger, Mumper, Schuler, Roberts, Miller, Robert Gardner

To amend sections 109.573, 313.08, 2152.74, 2743.191, 2901.07, 2953.73, 2953.82, and 5120.021 of the Revised Code to require DNA specimen collection from delinquent children and criminal offenders for all felonies; to make other changes relating to the collection and use of DNA specimens; to

extend for one year the period of time for certain inmates to request DNA testing; to clarify the applicability of the provisions of Chapter 5120. of the Revised Code to offenders who committed their offense prior to July 1, 1996, and to those who committed their offense on or after that date; to specify who collects DNA specimens from juvenile offenders when the juvenile is not committed to the Department of Youth Services or other specified facilities; and to give the Department of Rehabilitation and Correction rule-making authority over the collection of a DNA specimen from an offender whose supervision is transferred to Ohio from another state.

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

Attest:

Matthew T. Schuler,  
Clerk.

The Senate amendments were concurred in.

#### MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on December 10, 2004, signed the following:

**H. C. R. No. 36** - Representative Schaffer - et al.,  
**S. B. No. 160** - Senator Wachtmann - Representative Gilb - et al.,  
**Sub. S. B. No. 185** - Senator Jordan - et al.,  
**Sub. H. B. No. 255** - Representative Setzer - et al.,  
**Am. Sub. H. B. No. 256** - Representative Setzer - et al.,  
**Sub. H. B. No. 331** - Representative Schmidt - et al.,  
**H. B. No. 367** - Representative Distel - et al.,  
**Sub. H. B. No. 377** - Representative Raga - et al.,  
**Sub. H. B. No. 411** - Representative Seitz - et al.,  
**Sub. H. B. No. 414** - Representative Core - et al.,  
**Am. Sub. H. B. No. 449** - Representative Seitz - et al.,  
**Am. Sub. H. B. No. 454** - Representative White - et al.,  
**Am. H. B. No. 498** - Representative Faber - et al.

On motion of Representative Cates, the House adjourned until Wednesday, December 15, 2004 at 1:30 o'clock p.m.

Attest:

LAURA P. CLEMENS,  
Clerk.