

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, FEBRUARY 11, 2003

## FIFTEENTH DAY

Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, February 11, 2003 at 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Pursuant to House Rule No. 21, the Clerk called the House to order.

Representative Peterson was selected to preside under the Rule.

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

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 42**-Representatives Redfern, Allen, Barrett, Beatty, Boccieri, Chandler, Cirelli, Miller, DeBose, DePiero, Distel, Domenick, Driehaus, G. Smith, Grendell, Hartnett, Jerse, Kearns, Key, Koziura, McGregor, Otterman, S. Patton, Perry, S. Smith, Seaver, Sferra, Skindell, D. Stewart, Strahorn, Ujvagi, Woodard, Yates, Brown, Wilson, Carano.

To amend section 1505.07 of the Revised Code to ban the taking or removal of oil or natural gas from and under the bed of Lake Erie.

**H. B. No. 43**-Representatives Core, Willamowski, Collier, Seitz, Hollister, Gibbs, Olman, Hagan, Widener, Calvert, Hartnett, McGregor, Reinhard, Setzer, Schaffer, Gilb, Jolivette, Woodard, Carmichael, Otterman, Allen, Strahorn, Williams, White, Carano, Flowers, Ujvagi, Webster, Perry, Seaver.

To enact sections 6111.50 to 6111.56 of the Revised Code to establish requirements for the use of credible data in administering the Water Pollution Control Law.

**H. B. No. 44**-Representatives Boccieri, Brown, Otterman, Allen, Beatty, Koziura.

To amend section 126.03 of the Revised Code to require that each district of the state receive its proportional share of community improvement projects.

**H. B. No. 45**-Representatives Boccieri, Ujvagi, Brown, Beatty, Harwood, Koziura, Otterman, Allen, Strahorn, Miller.

To amend sections 125.11, 153.012, 3704.14, and 4115.04 of the Revised Code to make school facilities construction subject to the Prevailing Wage Law and to prohibit a board of education of a school district or the governing board of an educational service center from awarding a contract for construction, repair, or other work on a public improvement that is supported

in whole or in part by the state to a contractor that does not have a principal place of business in Ohio.

**H. B. No. 46**-Representatives Bocchieri, Beatty, Allen.

To amend section 5747.01 of the Revised Code to exempt from the personal income tax the salaries of registered and practical nurses in the first five years of employment.

**H. B. No. 47**-Representatives Bocchieri, Ujvagi, Brown, Otterman, Perry, Allen, Miller.

To amend section 175.22 of the Revised Code to require the Ohio Housing Finance Agency to develop and implement a program to provide housing for low-income grandparents who are guardians for grandchildren or have legal or permanent custody of grandchildren.

**H. B. No. 48**-Representatives Bocchieri, McGregor, Ujvagi, Brown, Otterman, Allen.

To amend sections 5537.01, 5537.04, 5537.08, 5537.13, and 5537.14 and to enact sections 5537.041 and 5537.081 of the Revised Code to subject the budget and bonding authority of the Ohio Turnpike Commission to the approval of the General Assembly.

**H. B. No. 49**-Representatives Hughes, Seitz, McGregor, Husted, Seaver, J. Stewart, Brinkman.

To amend sections 9.92 and 2949.092 and to enact section 9.23 of the Revised Code to provide testimonial privilege to persons who provide information to citizens' reward programs, to permit a Board of County Commissioners to enter into an agreement of affiliation with a citizens' reward program, and to require the imposition of one dollar in additional court costs to assist in the funding of affiliated citizens' reward programs.

**H. B. No. 50**-Representatives Hughes, Latta, Flowers, J. Stewart, Gilb, McGregor, DePiero, Redfern, Allen, Seaver, Schaffer, Barrett, Young, Schmidt, Grendell.

To amend section 4549.99 of the Revised Code to increase the penalty for failure to stop after an accident if the violation caused the death of a person and to amend the versions of sections 4549.02 and 4549.021 of the Revised Code that are scheduled to take effect January 1, 2004, to continue the provisions of this act on and after that effective date.

**H. B. No. 51**-Representative Hughes.

To amend sections 2106.01, 2106.02, 2107.19, 2109.301, 2113.53, 2117.06, 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, and dispute resolution procedures in probate court.

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

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 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, to impose a three-year mandatory prison term for a conviction of aggravated vehicular homicide and a specification of three OMVI-related violations, and to amend the versions of sections 2903.06, 2903.08, 2929.01, 2929.13, and 2929.14 of the Revised Code that are scheduled to take effect on January 1, 2004, to continue the provisions of this act on and after that effective date.

**H. B. No. 53**-Representatives Seitz, Raussen, Schneider, Hagan, T. Patton, McGregor, Chandler, Carano, Calvert, Wolpert, Jolivette, Kearns, Otterman, Allen, Koziura, Ujvagi, Niehaus, S. Patton, Webster, S. Smith, DeBose, Harwood.

To amend sections 5309.24, 5309.25, 5309.95, 5309.96, 5309.98, 5310.03, and 5310.07 and to enact section 5309.031 of the Revised Code to allow a county recorder to maintain registered land records by the use of photographic, magnetic, electronic, or certain other processes, means, or displays.

**H. B. No. 54**-Representatives Collier, Aslanides, DeWine, Young, S. Patton, Allen, Schlichter, Schneider, DeBose.

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

Said bills were considered the first time.

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

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

**H. B. No. 40**-Representative Calvert.

To amend sections 4301.12, 4301.42, 4301.43, 4305.01, 5104.01, 5104.04, 5104.30, 5104.32, 5104.34, 5104.35, 5104.38, 5104.39, 5139.41, 5739.031, 5739.032, 5739.12, 5739.122, 5739.21, 5741.03, 5741.12, 5741.121, 5743.02, and 5743.32 and to enact sections 5101.31 and 5104.382 of the Revised Code to make program and budgetary modifications, to increase the rate of tax on cigarettes and alcoholic beverages, to make other tax modifications, to amend the versions of sections 5739.031, 5739.12, and 5741.12 of the Revised Code that are scheduled to take effect July 1, 2003, to continue the provisions of this act on and after that effective date, to amend Section 140 of Am. Sub. H.B. 94 of the 124th General Assembly, as subsequently amended, to amend Section 142 of Am. Sub. H.B. 94 of the 124th General Assembly, and to make an appropriation.

To the committee on Finance and Appropriations.

**H. B. No. 41**-Representatives Carmichael, Hollister, Flowers, McGregor, Willamowski, DePiero, C. Evans, Hughes, Gibbs, Carano, Schaffer, Faber, Collier.

To amend sections 124.23, 124.26, 124.27, 4503.47, 4765.11, 4765.30, 4765.31, 4765.43, and 4766.03 and to enact section 124.824 of the Revised Code to grant firefighters additional credit on civil service examinations based on their training; to authorize volunteer firefighters to participate in health care contracts the Department of Administrative Services enters into; to provide that volunteer firefighter license plates be issued without payment of any license tax, local motor vehicle tax, or service fee; to require persons who are issued those license plates to submit annually to the Registrar of Motor Vehicles evidence of their status as an active volunteer firefighter; to change from three to five years the requirement that emergency medical service personnel be issued certificates to practice; to modify the requirements governing the emergency medical service personnel that must be present during emergency runs; to require the State Board of Emergency Medical Services to develop training programs for specified medical personnel and other persons to enable them to participate in certain manners on emergency runs; and to amend the version of section 4503.47 of the Revised Code that is scheduled to take effect January 1, 2004, to continue the provisions of this act on and after that date.

To the committee on Health.

**H. J. R. No. 4**-Representatives Cates, Willamowski, Hagan, Reidelbach, Husted, Niehaus, Yates, Peterson, Boccieri, Calvert, Key, Schaffer, McGregor, Kilbane, Trakas, Latta, Book, Price, Kearns, C. Evans, Distel, Otterman, Perry, Carano, Webster, Miller, Skindell, Driehaus, Jolivette, T. Patton, J. Stewart, Carmichael, DeBose, Hartnett, Wolpert, Setzer, DeWine, Hollister, Brown, Williams, Collier, Harwood, Schmidt, Sykes.

Providing for the ratification of the Fourteenth Amendment to the United States Constitution to guarantee equal protection and due process to all persons born or naturalized in the United States.

To the committee on State Government.

LARRY HOUSEHOLDER  
CHARLES CALVERT  
JIM CARMICHAEL  
PATRICIA M. CLANCY  
LARRY L. FLOWERS  
JIM HUGHES  
THOMAS F. PATTON

JON M. PETERSON  
JOHN SCHLICHTER  
CHRIS REDFERN  
JOYCE BEATTY  
KENNETH A. CARANO  
STEVE L. DRIEHAUS

Representative Flowers 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 all House Bills and House Joint Resolution 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 and House Joint Resolution were considered a second time and referred as recommended.

### MOTIONS AND RESOLUTIONS

**H. R. No. 26**-Representative Ujvagi.

COMMEMORATING THE ONE HUNDRED FIFTY-FIRST  
ANNIVERSARY OF LOUIS KOSSUTH'S SPEECH TO THE OHIO  
LEGISLATURE

Add the names: " Redfern, Carano ."

**H. R. No. 27**-Representative Cates.

HONORING THE LAKOTA WEST HIGH SCHOOL COMPETITIVE  
CHEERLEADING SQUAD AS THE 2002 NATIONAL CHEERLEADERS  
ASSOCIATION CHAMPION

Add the name: " Beatty ."

**H. R. No. 28**-Representative Clancy.

HONORING THE MARCH OF DIMES ON THE KICKOFF OF ITS OHIO  
PREMATURITY CAMPAIGN

Add the names: " Hughes, Peterson, Carmichael, Flowers, Schlichter, T.  
Patton, Calvert, Redfern, Carano, Driehaus, Beatty ."

LARRY HOUSEHOLDER,  
Chair.

Representative Flowers moved that rules and reference committee report on  
resolutions be agreed to and that the resolutions contained therein be  
approved.

The motion was agreed to.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 4121.12(A)(D), the Speaker hereby  
appoints the following members to the Workers Compensation Oversight  
Commission:

Representatives Young and Distel.

MESSAGE FROM THE SPEAKER

Pursuant to section 3353.07(C) (1), Am. Sub. H.B. 405, 124th General  
Assembly, the Speaker hereby appoints the following members to the Program  
Committee of Ohio Government Telecommunications:

Speaker Householder and Representative Redfern.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 3332.081, the Speaker hereby  
appoints Representative Setzer to the Student Tuition Recovery Authority.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 5537.24(A)(2), the Speaker hereby  
appoints Representative Manning to the Ohio Turnpike Oversight Committee.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 3750.02(A)(B)(12)(13), the Speaker  
hereby appoints Representative Hollister to the Emergency Response  
Commission.

MESSAGE FROM THE SPEAKER

Pursuant to section 3(A)(3)(4), Am. Sub. S.B. No. 164, 123rd General Assembly, the Speaker hereby appoints the following members to the Appellate District Study Committee:

Representatives Latta and Mason.

#### MESSAGE FROM THE SPEAKER

Pursuant to Section 11(A), Am. Sub. S.B. No. 1, 124th General Assembly, the Speaker hereby appoints Representative Setzer to the Governor's Advisory Commission of Successful Teachers.

#### MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 121.40(A), the Speaker hereby appoints Representative Setzer to the Ohio's Community Service Commission.

#### MESSAGE FROM THE SPEAKER

Pursuant to House Rules 12, 27, and 29, the Speaker hereby removes Representative Key from Rules and Reference Committee.

#### MESSAGE FROM THE SPEAKER

Pursuant to House Rules 12, 27, and 29, the Speaker hereby appoints Representative Allen to Rules and Reference Committee.

On motion of Representative Flowers, the House recessed. The House met pursuant to recess.

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

The motion was agreed to.

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

Representative Woodard submitted the following report:

The standing committee on Finance and Appropriations to which was referred **H. B. No. 40**-Representative Calvert, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

#### RE: FISCAL YEAR 2003 PROGRAM/BUDGET/TAX MODIFICATIONS

Representative Calvert moved to amend the title as follows:

Add the names: "D. Evans, Hoops."

WILLIAM J. HARTNETT

CHARLES A. WILSON



CHARLES CALVERT  
JAMES M. HOOPS  
DIXIE J. ALLEN  
JON A. HUSTED  
JEAN SCHMIDT  
JAMES PETER TRAKAS  
TIMOTHY J. GREDELLE  
JON M. PETERSON  
DAVID R. EVANS  
TONY CORE  
KEVIN DEWINE

MERLE GRACE KEARNS  
JIMMY STEWART  
KEITH L. FABER  
SHAWN N. WEBSTER  
TOM RAGA  
LARRY L. FLOWERS  
JIM HUGHES  
MARY TAYLOR  
THOMAS F. PATTON  
STEPHEN BUEHRER

The following members voted "NO"

FRED STRAHORN  
EDWARD JERSE  
CATHERINE L. BARRETT  
THOMAS F. PATTON

JOYCE BEATTY  
CLAUDETTE J. WOODARD  
PETER UJVAGI  
DALE MILLER

The report was agreed to.

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

On motion of Representative Schlichter, the House adjourned until  
Wednesday, February 12, 2003 at 1:30 o'clock p.m.

Attest:

LAURA P. CLEMENS,  
Clerk.