

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, FEBRUARY 12, 2003

SIXTEENTH DAY

Hall of the House of Representatives, Columbus, Ohio
Wednesday, February 12, 2003 at 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by the Reverend Imre Bertalan of Toledo, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

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

George Dozsa, Anthony Beke, Reverend Imre Bertalan, Judy Bloghm, Bela Bognar, Karoly Nagy, Laszlo Bojtos, Andrew Ludanyi, and Martha Pereszlenyi received H. R. No. 30, presented by Representative Ujvagi-47th district.

Alex Beard, Dan Westlake, Bill Low, Denny Hall, guests of Representative Core-83rd district.

Jesse Kramig, a guest of Representative Webster-53rd district.

Roger Van Gordon, Pat HoelScher, guests of Representative Cates-55th district.

Robin Bessere and memebers of the Sandusky Farm Bureau, guests of Representative Wagner-81st district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 55-Representatives Hagan, McGregor, Schaffer, Collier, Setzer, Wagner, Perry, Chandler.

To amend sections 1547.11, 4511.19, 4511.191, and 4511.197 of the Revised Code to reduce the prohibited concentrations of alcohol in a person's blood, breath, or urine for purposes of the OMVI Law, Implied Consent Law, and Watercraft Law, and to amend the versions of sections 1547.11 and 4511.19 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. 56-Representatives Callender, Seitz, Gibbs, T. Patton, Chandler, Miller, Carano, Schaffer, D. Evans, Hughes, Allen, D. Stewart, Otterman, Grendell, Ujvagi, Perry, S. Patton, G. Smith, Seaver, DeBose.

To enact sections 4501.551, 4503.551, and 4503.82 of the Revised Code to create Rock and Roll Hall of Fame license plates and to permit the creation of additional varieties of a nonstandard license plate at the rate of one variety for

every 20,000 motor vehicle registrations involving the original nonstandard license plate and its varieties.

H. B. No. 57-Representatives Callender, Olman, Widener, T. Patton, Harwood.

To amend sections 1739.05, 1751.01, 3923.51, 4732.01, 4732.09, 4732.10, 4732.13, 4732.14, 4732.141, 4732.15, 4732.17, 4732.19, 4732.20, 4732.21, 4732.22, 4732.23, 4732.24, 4757.41, and 4757.42, to enact new section 3923.28 and sections 3923.281 and 4732.131, and to repeal sections 3923.28, 3923.29, and 3923.30 of the Revised Code to prohibit discrimination in health care policies, contracts, and agreements in the coverage provided for the diagnosis, care, and treatment of mental illness, and to permit the State Board of Psychology to license psychological associates.

H. B. No. 58-Representative Kilbane.

To direct the General Assembly in its deliberations regarding the enactment of reforms of the state's tax laws.

H. B. No. 59-Representatives Kearns, Willamowski, Husted, D. Evans, Latta, Redfern, Ujvagi, Hartnett, J. Stewart, Schaffer, Carano, Seaver, Young, Harwood, Seitz.

To enact section 5533.69 of the Revised Code to designate a portion of state route number four within Clark County as the "Heritage Parkway."

H. B. No. 60-Representatives Kearns, Koziura, Price.

To amend sections 3704.14 and 3704.99 and to enact section 3704.20 of the Revised Code to require anyone who sells or offers for sale a used motor vehicle to a person who resides in a county that is subject to the motor vehicle inspection and maintenance program to first have the vehicle inspected by an inspection contractor, to require the seller to have necessary repairs performed in order for the vehicle to pass the inspection and to provide the inspection certificate obtained for the vehicle to the purchaser of the vehicle, and to provide for a refund to the purchaser if the seller fails to have the vehicle inspected and provide the inspection certificate.

H. B. No. 61-Representatives Kearns, Hagan, Widener.

To amend section 3734.35 of the Revised Code to apply to private sanitary landfills certain arbitration procedures related to the siting or modification of landfills, and to change the definition of "affected community" in the law related to those arbitration procedures.

Said bills were considered the first time.

MOTIONS AND RESOLUTIONS

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. 30-Representatives Ujvagi, Perry, Brown, Yates, Cirelli, Key, McGregor, Driehaus, Sykes, DeBose, Allen, Latta.

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

Add the names: "Redfern, Carano, Trakas, Beatty, Cates, T. Patton, Hughes, Wilson, Flowers, Buehrer, Schlichter, Carmichael, Calvert, Peterson."

LARRY HOUSEHOLDER,
Chair.

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

Representative Peterson moved that majority party members asking leave to be absent or absent the week of Wednesday, February 12, 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 Wednesday, February 12, 2003, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

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

H. R. No. 29-Speaker Householder, et al.

In memory of Lieutenant Steve Young.

The motion was agreed to.

The resolution was adopted.

Representative Latta offered the report of the Special Committee to Purchase Revised Codes and asked for its adoption.

REPORT OF THE SPECIAL COMMITTEE TO PURCHASE REVISED CODES, PURSUANT TO H. R. NO. 10, 125TH GENERAL ASSEMBLY.

The Special Committee to Purchase Revised Codes reports back with the following recommendations:

1. Given the availability of the Ohio Revised Code as a public resource on the Internet, this service shall be the default resource for members and staff. As needed to supplement this service, the Chief Administrative Officer is authorized to purchase and make available shared sets of the Revised Code, in hard bound form, as authorized in item two below.

2. The West Group, which publishes Baldwin's Ohio Revised Code, shall be the primary vendor for supplying the value-added version of the Ohio Revised Code to the Ohio House of Representatives during the 125th General Assembly. The Chief Administrative Officer shall purchase sufficient copies of Baldwin's Ohio Revised Code, not to exceed ten copies, as provided below for the use of members, staff or offices of the House in accordance with Banks-Baldwin's proposal of February 12, 2003, with such additional modifications as may be agreed to between Banks-Baldwin and the Chief Administrative Officer. The Chief Administrative Officer shall also purchase an additional 100 copies of the printed index to be distributed to each member and the Clerk's Office.

3. The Chief Administrative Officer with the approval of the Speaker, may purchase additional sets of the Baldwin's Ohio Revised Code and/or supplemental service, replacement units, and legislative bulletins for the committee rooms and offices of the House of Representatives, including shared sets for members and their staff who are using the default service Internet version of the Ohio Revised Code.

4. The Public version of the Administrative Code shall be the default resource for members appointed to the Joint Committee on Agency Rule Review (JCARR). As needed to supplement this resource, the Chief Administrative Officer is authorized to purchase and make accessible to JCARR members and staff a value-added version of the Ohio Administrative Code. However, copies of the Administrative Code remain the property of the House.

5. All sets of the Ohio Revised Code, supplementns, replacement units and legislative bulletins and all sets of the Ohio Administrative Code, including supplement service and replacement units shall remain the property of the House and shall be assigned to the member's office during that member's term.

ROBERT E. LATTA
JEFFREY H. MANNING

TODD BOOK

The question being, "Shall the report of the Special Committee to Purchase Revised Codes be agreed to?"

The yeas and nays were taken and resulted - yeas 99, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Boccieri	Book	Brinkman
Brown	Buehrer	Callender	Calvert

Carano	Carmichael	Cates	Chandler
Cirelli	Clancy	Collier	Core
Daniels	DeBose	DePiero	DeWine
Distel	Domenick	Driehaus	C. Evans
D. Evans	Faber	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Hartnett	Harwood	Hollister	Hoops
Hughes	Husted	Jerse	Jolivette
Kearns	Key	Kilbane	Koziura
Latta	Manning	Mason	McGregor
Miller	Niehaus	Oelslager	Olman
Otterman	S. Patton	T. Patton	Perry
Peterson	Price	Raga	Rausсен
Redfern	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Skindell
G. Smith	S. Smith	D. Stewart	J. Stewart
Strahorn	Sykes	Taylor	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wilson	Wolpert	Woodard
Yates	Young		Householder-99.

The report was agreed to.

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

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 40-Representatives Calvert (By Request), D. Evans, Hoops.

To amend sections 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, and 5741.121 and to enact sections 107.31, 107.32, 5101.31, and 5104.382 of the Revised Code to make program and budgetary modifications, to establish provisions regarding the possible closing of state institutional facilities for the purpose of expenditure reductions or budget cuts, 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 125 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.

The question being, "Shall the bill pass?"

Representative Kearns moved to amend as follows:

Between lines 2194 and 2195, insert:

"Section 13. LAPSED FUNDS.

All state dollars lapsed from the fiscal year 2003 appropriation to appropriation item 600-610, Food Stamps and State Administration (Fund 384), in the Department of Job and Family Services shall be transferred by the Director of Budget and Management to the General Revenue Fund."

In line 2195, delete "13" and insert "14".

In line 2205, delete "14" and insert "15".

In line 2221, delete "15" and insert "16".

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

The yeas and nays were taken and resulted - yeas 88, nays 11, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Book	Brinkman	Buehrer	Callender
Calvert	Carano	Carmichael	Cates
Chandler	Cirelli	Clancy	Collier
Core	Daniels	DeBose	DePiero
DeWine	Distel	Domenick	Driehaus
C. Evans	D. Evans	Faber	Fessler
Flowers	Gibbs	Gilb	Grendell
Hagan	Hartnett	Hollister	Hoops
Hughes	Husted	Jerse	Jolivette
Kearns	Kilbane	Koziura	Latta
Manning	Mason	McGregor	Miller
Niehaus	Oelslager	Olman	Otterman
T. Patton	Perry	Peterson	Raga
Raussen	Redfern	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seaver	Seitz	Setzer	Sferra
G. Smith	D. Stewart	J. Stewart	Taylor
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Williams	Wilson	Wolpert
Woodard	Yates	Young	Householder-88.

Those who voted in the negative were: Representatives

Beatty	Bocchieri	Brown	Harwood
Key	S. Patton	Price	Skindell
S. Smith	Strahorn		Sykes-11.

The motion was agreed to and the bill so amended.

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

Representative Hartnett moved to amend as follows:

In line 1124, delete "any or all" and insert "either or both".

In line 1125, delete "(1) Suspend"; strike through "enrollment of all new participants in any program".

In line 1126, strike through "of publicly funded child daycare"; delete the

underlined semicolon.

In line 1127, delete "(2)" and insert "(1)".

In line 1128, strike through "a specified percentage"; after "below" insert "one hundred fifty per cent".

In line 1132, delete "(3)" and insert "(2)"; delete "a".

In line 1133, delete "specified percentage" and insert "one hundred fifty per cent".

In 1147, strike through "suspend or".

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 37, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Brinkman	Buehrer
Callender	Calvert	Carmichael	Cates
Clancy	Collier	Core	Daniels
DeWine	C. Evans	D. Evans	Faber
Flowers	Gibbs	Gilb	Grendell
Hagan	Harwood	Hollister	Hoops
Hughes	Husted	Jolivet	Kearns
Kilbane	Latta	Manning	McGregor
Niehaus	Oelslager	Olman	T. Patton
Peterson	Raga	Rausen	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seitz	Setzer	G. Smith
J. Stewart	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	Bocchieri
Book	Brown	Carano	Chandler
Cirelli	DeBose	DePiero	Distel
Domenick	Driehaus	Fessler	Hartnett
Jerse	Key	Koziura	Mason
Miller	Otterman	S. Patton	Perry
Price	Redfern	Seaver	Sferra
Skindell	S. Smith	D. Stewart	Strahorn
Sykes	Ujvagi	Wilson	Woodard
			Yates-37.

The motion to amend was laid on the table.

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

The yeas and nays were taken and resulted - yeas 68, nays 31, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Blasdel	Brinkman
Buehrer	Callender	Calvert	Carmichael
Cates	Clancy	Collier	Core
Daniels	DeWine	C. Evans	D. Evans
Faber	Fessler	Flowers	Gibbs
Gilb	Grendell	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Husted	Jolivette	Kearns	Kilbane
Latta	Manning	McGregor	Niehaus
Oelslager	Olman	T. Patton	Peterson
Raga	Raussen	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seaver	Seitz	Setzer	Sferra
G. Smith	J. Stewart	Taylor	Trakas
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wilson	Wolpert	Young	Householder-68.

Those who voted in the negative were: Representatives

Barrett	Beatty	Bocchieri	Book
Brown	Carano	Chandler	Cirelli
DeBose	DePiero	Distel	Domenick
Driehaus	Jerse	Key	Koziura
Mason	Miller	Otterman	S. Patton
Perry	Price	Redfern	Skindell
S. Smith	D. Stewart	Strahorn	Sykes
Ujvagi	Woodard		Yates-31.

The bill passed.

The title was agreed to.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 122.651(A), Am. Sub. H. B. No. 3, 124th General Assembly, the Speaker hereby appoints the following members to the Clean Ohio Air Council:

Representatives Blasdel and Driehaus.

On motion of Representative Cates, the House adjourned until Thursday, February 13, 2003 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.