

OHIO

House

of

Representatives

JOURNAL

TUESDAY, MARCH 11, 2003

TWENTY-FIFTH DAY

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

The House met pursuant to adjournment.

Prayer was offered by Pastor Andy Sims of the Beechwold Christian Church in Columbus, 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 Girls High School swim team received H. R. No. 38, presented by Representative G. Smith-24th district.

Richland County Young Leaders, guests of Representative Hartnett-73rd district & Representative Collier-90th district.

Kyle Lewis, a guest of Representative Daniels-86th district

Teachers Cliff Pope, Theresa Reader and students from Purcell Marion High School, guests of Representative Driehaus-31st district & Representative Yates-33rd district.

Joe Driehaus, brother, Representative Driehaus-31st district.

Major Jerry Fork, a guest of Representative Boccieri-61st district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 112-Representatives Gilb, Grendell, Fessler, Jolivette, Young, Faber, Raga, Brinkman, Olman.

To amend sections 9.66, 122.152, 122.16, 122.17, 122.171, 150.07, 150.10, 901.13, 3924.66, 3924.68, 5703.05, 5709.65, 5709.66, 5733.33, 5733.40, 5733.42, 5747.01, 5747.02, 5747.05, 5747.059, 5747.062, 5747.08, 5747.11, 5747.21, 5747.211, and 5747.212 and to repeal sections 3924.71, 5747.022, 5747.023, 5747.024, 5747.025, 5747.051, 5747.054, 5747.055, 5747.057, 5747.058, 5747.081, 5747.26, 5747.261, 5747.27, 5747.28, 5747.29, 5747.30, 5747.31, 5747.32, 5747.33, 5747.34, 5747.35, 5747.36, 5747.37, 5747.38, 5747.39, 5747.70, 5747.75, 5747.80, and 5747.98 of the Revised Code to redesign the personal income tax as a "flat," single-rate income tax.

H. B. No. 113-Representatives Brinkman, Grendell, Young, Callender, Seaver, Raussen, Blasdel, Willamowski, Gilb, Faber, Schaffer, Fessler, Niehaus, Hagan, Collier, Webster, Reidelbach, Sferra, Schneider.

To amend sections 109.61, 1531.13, 1533.67, 1547.99, 2923.12, 2923.121,

and 2923.41 and to repeal sections 1547.69 and 2923.16 of the Revised Code to permit the carrying of concealed weapons and to repeal the offenses of improperly handling firearms in a motor vehicle and improperly handling firearms in a watercraft and to amend the version of section 1547.99 of the Revised Code that is scheduled to take effect January 1, 2004, to continue the provisions of this act on and after that effective date.

H. B. No. 114-Representatives Flowers, Williams, Aslanides, Brinkman, Calvert, DePiero, D. Evans, Faber, Grendell, Hughes, McGregor, Seitz, Walcher, Wolpert.

To enact section 9.481 of the Revised Code to prohibit political subdivisions from imposing residency requirements on certain employees.

H. B. No. 115-Representatives DePiero, Redfern, Key, Hughes, Allen, Carano, Cirelli, Otterman, D. Evans, Sykes, Perry, Bocchieri, Domenick, Aslanides, Barrett, Seaver, Wolpert, Price.

To enact section 2921.53 of the Revised Code to prohibit the unlawful sale of a peace officer badge or uniform.

H. B. No. 116-Representatives Bocchieri, Redfern, Willamowski, Perry, Callender, Harwood, Williams, Seaver, Faber, Hagan, Strahorn, C. Evans, Carano, Beatty, S. Patton, Miller, Seitz, Key, Reidelbach, Ujvagi, McGregor, Distel, Jolivette.

To enact section 4503.541 of the Revised Code to create a special motorcycle license plate for retired and honorably discharged veterans.

H. B. No. 117-Representatives Widowfield, Husted, Hollister, McGregor, Kearns, Seitz, White, Gilb, Allen.

To amend sections 2151.86, 5103.03, 5103.031, 5103.032, 5103.033, 5103.035, 5103.037, 5103.038, 5103.039, 5103.0311, 5103.0316, 5103.0317, and 5153.60 and to repeal section 5103.0310 of the Revised Code to revise foster caregiver training requirements, add additional offenses to those that disqualify a person as a person responsible for a child's care in out-of-home care or prospective adoptive parent, and permit the Department of Job and Family Services to seek injunctive relief in certain circumstances.

H. B. No. 118-Representative Blasdel.

To require the funding of the Ohio Wyami Appalachian Teacher Cohorts program through a federal grant provided to the Department of Education.

H. B. No. 119-Representatives Grendell, McGregor, Hartnett, Schmidt,

Otterman, Fessler, Husted, Flowers, Callender, Wagner, Schaffer.

To amend sections 303.02, 303.211, 519.02, and 519.211 of the Revised Code to extend the purposes for which boards of county commissioners and township trustees may adopt zoning resolutions to include the purpose of promoting the general welfare and to exempt specific activities related to minerals, coal, oil, or gas from county and township zoning regulations in areas not zoned for residential use.

H. B. No. 120-Representatives Grendell, Buehrer, Seitz, Williams, Fessler, Jolivette, Hartnett, Allen.

To amend section 5322.01 and to enact section 5322.05 of the Revised Code to permit, under specified conditions, the assessment of reasonable late fees for the failure to pay rent when due for the use of a self-service storage facility.

Said bills were considered the first time.

BILLS FOR THIRD CONSIDERATION

H. B. No. 26-Representatives Raga, Schneider, Willamowski, Widowfield, Oelslager, Driehaus, Harwood.

To amend section 2301.02 of the Revised Code to add one additional judge for the general division of the Warren County Court of Common Pleas to be elected in 2004, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

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

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	Book	Brinkman
Brown	Buehrer	Callender	Calvert
Carano	Carmichael	Cates	Chandler
Cirelli	Clancy	Collier	Core
Daniels	DeBose	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
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	S. Patton
T. Patton	Perry	Peterson	Price
Raga	Raussen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer

Sferra	Skindell	G. Smith	S. Smith
D. Stewart	J. Stewart	Strahorn	Sykes
Taylor	Trakas	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Williams	Wilson	Wolpert
Woodard	Yates	Young	Householder-96.

The bill passed.

Representative Raga moved to amend the title as follows:

Add the name: "Schmidt."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 171.01(B), the Speaker hereby appoints the following members to the Ohio Retirement Study Council:

Representatives Blasdel, Schneider, and Bocchieri.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 3109.15, the Speaker hereby appoints the following members to the Children's Trust Fund Board:

Representatives Kearns and Barrett.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 3301.86, the Speaker hereby appoints the following members to the Legislative Committee on Educational Oversight:

Representatives Setzer, Callender, Hartnett, Kearns, and Carano.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 122.97(A), the Speaker hereby removes former Representative Manning and appoints Representative Hagan to the Ohio Steel Industry Advisory Council.

On motion of Representative Raga, the House recessed.

The House met pursuant to recess.

Representative Flowers 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 D. Stewart submitted the following report:

The standing committee on State Government to which was referred **Am. S. J. R. No. 2**-Senator Mallory, et al., having had the same under consideration, reports it back and recommends its passage.

RE: RATIFICATION OF THE 14TH AMENDMENT

Representative Carmichael moved to amend the title as follows:

Add the names: "Cates, Trakas, Peterson, Carmichael, Flowers, Clancy, Key, D. Stewart, Bocchieri, DePiero, S. Patton."

PATRICIA M. CLANCY
DAN STEWART
DEAN E. DEPIERO
ANNIE L. KEY
JAMES PETER TRAKAS
JIM CARMICHAEL

LARRY L. FLOWERS
SYLVESTER D. PATTON
JOHN A. BOCCIERI
GARY W. CATES
JON M. PETERSON

The report was agreed to.

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

Representative Woodard submitted the following report:

The standing committee on Finance and Appropriations to which was referred **H. B. No. 92**-Representative Young, having had the same under consideration, reports it back and recommends its passage.

RE: INDUSTRIAL COMMISSION BUDGET FY 2004-2005

Representative Calvert moved to amend the title as follows:

Add the names: "Core, Grendell, Hoops, Calvert."

CHARLES CALVERT
JAMES M. HOOPS
STEPHEN BUEHRER
SHAWN N. WEBSTER
JON A. HUSTED
TOM RAGA
MARY TAYLOR
PATRICIA M. CLANCY
JAMES PETER TRAKAS
MERLE GRACE KEARNS
DAVID R. EVANS
JIM HUGHES

JEAN SCHMIDT
THOMAS F. PATTON
KEITH L. FABER
DALE MILLER
FRED STRAHORN
CHARLES A. WILSON
JOYCE BEATTY
CLAUDETTE J. WOODARD
DIXIE J. ALLEN
KEVIN DEWINE
WILLIAM J. HARTNETT
TIMOTHY J. GRENDALL

LARRY L. FLOWERS
 CATHERINE L. BARRETT
 JON M. PETERSON

EDWARD JERSE
 SYLVESTER D. PATTON
 TONY CORE

The report was agreed to.

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

Representative Woodard submitted the following report:

The standing committee on Finance and Appropriations to which was referred **H. B. No. 91**-Representative Young, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: WORKERS COMPENSATION BUDGET FY 2004-2005

Representative Calvert moved to amend the title as follows:

Add the names: "Core, Grendell, Calvert."

CHARLES CALVERT
 JAMES M. HOOPS
 JON A. HUSTED
 STEPHEN BUEHRER
 SHAWN N. WEBSTER
 TOM RAGA
 MARY TAYLOR
 PATRICIA M. CLANCY
 JAMES PETER TRAKAS
 MERLE GRACE KEARNS
 JIMMY STEWART
 DAVID R. EVANS
 JIM HUGHES
 LARRY L. FLOWERS
 JEAN SCHMIDT
 KEITH L. FABER

DALE MILLER
 FRED STRAHORN
 CHARLES A. WILSON
 THOMAS F. PATTON
 JOYCE BEATTY
 CLAUDETTE J. WOODARD
 DIXIE J. ALLEN
 KEVIN DEWINE
 WILLIAM J. HARTNETT
 SYLVESTER D. PATTON
 CATHERINE L. BARRETT
 TONY CORE
 TIMOTHY J. GRENDPELL
 JON M. PETERSON
 EDWARD JERSE

The report was agreed to.

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

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

Representative Woodard submitted the following report:

The standing committee on Finance and Appropriations to which was referred **H. B. No. 87**-Representative Buehrer, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: TRANSPORTATION/PUB SAFETY BUDGET FY 04-05

Representative Woodard moved to amend as follows:

CHARLES CALVERT	JEAN SCHMIDT
JAMES M. HOOPS	JAMES PETER TRAKAS
JON A. HUSTED	MERLE GRACE KEARNS
STEPHEN BUEHRER	CATHERINE L. BARRETT
JIMMY STEWART	WILLIAM J. HARTNETT
KEVIN DEWINE	SHAWN N. WEBSTER
TIMOTHY J. GRENDELL	TOM RAGA
KEITH L. FABER	MARY TAYLOR
DAVID R. EVANS	EDWARD JERSE
FRED STRAHORN	JON M. PETERSON
PATRICIA M. CLANCY	LARRY L. FLOWERS
DALE MILLER	TONY CORE
DIXIE J. ALLEN	THOMAS F. PATTON

The following members voted "NO"

JOYCE BEATTY	PETER UJVAGI
CHARLES A. WILSON	

The report was agreed to.

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

H. C. R. No. 10-Representatives Book, Hollister, Wilson, C. Evans, Boccieri, Aslanides, Hartnett, Seaver, Allen, Domenick, Ujvagi, Miller, Skindell, Chandler, Redfern, S. Patton, Yates.

To memorialize the Congress of the United States to reject the President's fiscal year 2004 budget request's proposal to decrease the funding levels and fund distribution procedures for the Appalachian Regional Commission.

To the committee on Finance and Appropriations.

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

H. B. No. 106-Representatives Williams, Otterman, McGregor, Hartnett, Hagan, Perry, Gilb, Koziura, Widowfield, Young, Boccieri, Willamowski.

To amend sections 2152.18, 3313.533, 3313.672, and 5139.05 of the Revised Code to require that upon a child's discharge or release from the custody of the Department of Youth Services certain records pertaining to that child be released to the superintendent of the school district in which the child is entitled to attend school and to specify that a school district's policy on the assignment of students to an alternative school may provide for the assignment of any child released from the custody of the Department of Youth Services to such a school.

To the committee on Education.

H. B. No. 107-Representatives Schneider, Cates.

To amend sections 3704.14, 4503.102, 4503.103, and 4503.11 and to enact section 4501.026 of the Revised Code to require the Registrar of Motor Vehicles to adopt rules permitting the owners of certain vehicles to register their vehicles on a biennial basis, to require the Registrar and all deputy registrars to accept credit cards for transactions with the Registrar or deputy, and to amend the versions of sections 4503.102 and 4503.11 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.

To the committee on Transportation and Public Safety.

H. B. No. 108-Representatives Driehaus, Seitz, Redfern, Kearns, Hartnett, Skindell, Niehaus, Distel, Olman, Yates, S. Smith, Schneider, DePiero, Webster, Allen, DeBose, Harwood, Barrett, Raussen, Perry, Cirelli, Raga, Jerse, Domenick, Wilson, Hagan, Mason.

To amend section 169.03 of the Revised Code to require that notice of unclaimed funds be mailed to owners by holders of the funds either by regular or certified mail depending upon the value of the funds and to authorize charges for certain mailings of notices.

To the committee on State Government.

H. B. No. 109-Representatives Schaffer, Young, Faber, Brinkman, Grendell, Fessler, Webster, D. Evans, Widowfield, Reinhard, Schmidt.

To enact section 718.17 of the Revised Code to require municipal corporations with more than \$100 million in annual income tax collections to provide a tax credit to nonresident taxpayers.

To the committee on Ways and Means.

H. B. No. 109-Representatives Schaffer, Young, Faber, Brinkman, Grendell, Fessler, Webster, D. Evans, Widowfield, Reinhard, Schmidt.

To enact section 718.17 of the Revised Code to require municipal corporations with more than \$100 million in annual income tax collections to provide a tax credit to nonresident taxpayers.

To the committee on Ways and Means.

H. B. No. 110-Representative Driehaus.

To enact sections 101.91, 101.92, and 101.921 to 101.927 of the Revised Code to provide for appraisal of the effectiveness of tax expenditures and for their expiration after appraisal if not renewed.

To the committee on Ways and Means.

H. B. No. 111-Representative Boccieri.

To amend section 121.22 and to enact section 101.17 of the Revised Code to permit members of public bodies who are called to active duty, under specified circumstances, to vote from their active duty locations within twenty-four hours after a vote of the public body, to amend Section 5 of Sub. H.B. 390 of the 124th General Assembly to extend the time within which members of the National Guard and reserve components of the Armed Forces of the United States who have been called to active duty must pay real property and manufactured home taxes, and to declare an emergency.

To the committee on State Government.

H. B. No. 112-Representatives Gilb, Grendell, Fessler, Jolivette, Young, Faber, Raga, Brinkman, Olman.

To amend sections 9.66, 122.152, 122.16, 122.17, 122.171, 150.07, 150.10, 901.13, 3924.66, 3924.68, 5703.05, 5709.65, 5709.66, 5733.33, 5733.40, 5733.42, 5747.01, 5747.02, 5747.05, 5747.059, 5747.062, 5747.08, 5747.11, 5747.21, 5747.211, and 5747.212 and to repeal sections 3924.71, 5747.022, 5747.023, 5747.024, 5747.025, 5747.051, 5747.054, 5747.055, 5747.057, 5747.058, 5747.081, 5747.26, 5747.261, 5747.27, 5747.28, 5747.29, 5747.30, 5747.31, 5747.32, 5747.33, 5747.34, 5747.35, 5747.36, 5747.37, 5747.38, 5747.39, 5747.70, 5747.75, 5747.80, and 5747.98 of the Revised Code to redesign the personal income tax as a "flat," single-rate income tax.

To the committee on Ways and Means.

H. B. No. 113-Representatives Brinkman, Grendell, Young, Callender, Seaver, Raussen, Blasdel, Willamowski, Gilb, Faber, Schaffer, Fessler, Niehaus, Hagan, Collier, Webster, Reidelbach, Sferra, Schneider.

To amend sections 109.61, 1531.13, 1533.67, 1547.99, 2923.12, 2923.121, and 2923.41 and to repeal sections 1547.69 and 2923.16 of the Revised Code to permit the carrying of concealed weapons and to repeal the offenses of improperly handling firearms in a motor vehicle and improperly handling

firearms in a watercraft and to amend the version of section 1547.99 of the Revised Code that is scheduled to take effect January 1, 2004, to continue the provisions of this act on and after that effective date.

To the committee on Criminal Justice.

H. B. No. 114-Representatives Flowers, Williams, Aslanides, Brinkman, Calvert, DePiero, D. Evans, Faber, Grendell, Hughes, McGregor, Seitz, Walcher, Wolpert.

To enact section 9.481 of the Revised Code to prohibit political subdivisions from imposing residency requirements on certain employees.

To the committee on State Government.

H. B. No. 115-Representatives DePiero, Redfern, Key, Hughes, Allen, Carano, Cirelli, Otterman, D. Evans, Sykes, Perry, Bocchieri, Domenick, Aslanides, Barrett, Seaver, Wolpert, Price.

To enact section 2921.53 of the Revised Code to prohibit the unlawful sale of a peace officer badge or uniform.

To the committee on Criminal Justice.

H. B. No. 116-Representatives Bocchieri, Redfern, Willamowski, Perry, Callender, Harwood, Williams, Seaver, Faber, Hagan, Strahorn, C. Evans, Carano, Beatty, S. Patton, Miller, Seitz, Key, Reidelbach, Ujvagi, McGregor, Distel, Jolivette.

To enact section 4503.541 of the Revised Code to create a special motorcycle license plate for retired and honorably discharged veterans.

To the committee on Transportation and Public Safety.

H. B. No. 117-Representatives Widowfield, Husted, Hollister, McGregor, Kearns, Seitz, White, Gilb, Allen.

To amend sections 2151.86, 5103.03, 5103.031, 5103.032, 5103.033, 5103.035, 5103.037, 5103.038, 5103.039, 5103.0311, 5103.0316, 5103.0317, and 5153.60 and to repeal section 5103.0310 of the Revised Code to revise foster caregiver training requirements, add additional offenses to those that disqualify a person as a person responsible for a child's care in out-of-home care or prospective adoptive parent, and permit the Department of Job and Family Services to seek injunctive relief in certain circumstances.

To the committee on Human Services and Aging.

H. B. No. 118-Representative Blasdel.

To require the funding of the Ohio Wyami Appalachian Teacher Cohorts program through a federal grant provided to the Department of Education.

To the committee on Education.

H. B. No. 119-Representatives Grendell, McGregor, Hartnett, Schmidt, Otterman, Fessler, Husted, Flowers, Callender, Wagner, Schaffer.

To amend sections 303.02, 303.211, 519.02, and 519.211 of the Revised Code to extend the purposes for which boards of county commissioners and township trustees may adopt zoning resolutions to include the purpose of promoting the general welfare and to exempt specific activities related to minerals, coal, oil, or gas from county and township zoning regulations in areas not zoned for residential use.

To the committee on County and Township Government.

H. B. No. 120-Representatives Grendell, Buehrer, Seitz, Williams, Fessler, Jolivette, Hartnett, Allen.

To amend section 5322.01 and to enact section 5322.05 of the Revised Code to permit, under specified conditions, the assessment of reasonable late fees for the failure to pay rent when due for the use of a self-service storage facility.

To the committee on Commerce and Labor.

GARY W. CATES
CHARLES CALVERT
JIM CARMICHAEL
PATRICIA M. CLANCY
LARRY L. FLOWERS
JIM HUGHES
THOMAS F. PATTON

JON M. PETERSON
JOHN SCHLICHTER
JOYCE BEATTY
STEVE L. DRIEHAUS
ROBERT J. OTTERMAN
CHARLES A. WILSON

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 all 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.

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. 38-Representative G. Smith.

Honoring the Upper Arlington High School Girls Swim Team as the 2003 Division I State Champion.

GARY CATES,
Vice Chair.

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

The motion was agreed to.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 3109.15, the Speaker hereby removes Representative Kearns and appoints Representative White to the Children's Trust Fund Board.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on March 10, 2003, signed the following:

H. J. R. No. 5-Speaker Householder, et al.

H. J. R. No. 6-Speaker Householder, et al.

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

Attest:

LAURA P. CLEMENS,
Clerk.