

OHIO

House

of

Representatives

JOURNAL

CORRECTED VERSION
WEDNESDAY, MARCH 19, 2003

TWENTY-NINTH DAY

Hall of the House of Representatives, Columbus, Ohio
Wednesday, March 19, 2003 at 1:30 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by the Reverend Dale Lykins of Christ United Methodist Church in Jackson, 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:

Shelly and Elyse Lykins, guests of Representative C. Evans - 87th district.

Doctors Billy Foster, Joy and Eugene Jordan, guests of Representative S. Smith - 10th district.

Scott Vickers, son, Representative Carmichael - 3rd district.

Marge Brown, Paul Goldberg, Patrick Kriner, Barbara Sears, Jean Youngin, and Frank Szollosi, guests of Representatives Perry - 49th district, Brown - 48th district, and Ujvagi - 47th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 133-Representative Olman.

To amend sections 4906.06, 4906.10, 4906.98, and 4906.99 and to enact section 4906.97 of the Revised Code to change the standard for modifying the time when a certificate application can be filed with the Power Siting Board; to state the Board's continuing jurisdiction to enforce a certificate from the date of issuance through the period of the facility's initial operation; to authorize the Board or its chairperson to order the suspension of an activity during the Board's consideration of a complaint about the activity; and to authorize the Board to impose a forfeiture for a violation of power siting law.

H. B. No. 134-Representative Seaver.

To amend section 2915.101 of the Revised Code to remove the procedure for the distribution of the net profit from the proceeds of the sale of instant bingo by a veteran's organization or a fraternal organization and to declare an emergency.

H. B. No. 135-Representative Willamowski.

To amend sections 317.08, 317.09, 5301.01, 5301.25, 5301.255, 5311.03, 5311.04, 5311.05, 5311.051, 5311.052, 5311.06, 5311.07, 5311.08, 5311.09,

5311.10, 5311.11, 5311.12, 5311.13, 5311.14, 5311.16, 5311.17, 5311.18, 5311.19, 5311.20, 5311.21, 5311.22, 5311.23, 5311.24, 5311.25, 5311.26, 5311.27, and 5721.35, to enact new section 5311.01 and sections 5311.031, 5311.032, 5311.033, 5311.041, 5311.081, and 5311.091, and to repeal sections 5311.01, 5311.15, and 5311.241 of the Revised Code to revise the Ohio Condominium Law.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Hartnett submitted the following report:

The standing committee on Education to which was referred **S. B. No. 12**-Senator Randy Gardner, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: CONVERSION COMM SCHOOLS-PERMIT AS E-SCHOOLS

Representative Setzer moved to amend the title as follows:

Add the names: "Representatives Hoops, Kearns, Taylor, Hartnett."

Representative C. Evans moved to amend as follows:

After line 161, insert:

" **Section 3.** A school district or nonpublic school shall not be considered to have failed to comply with division (B) of section 3317.01 of the Revised Code or the state minimum standards during the 2002-2003 school year because a school was closed due to hazardous weather conditions for a number of days exceeding the number permitted under sections 3313.48, 3313.481, and 3317.01 of the Revised Code, if both of the following apply:

(A) In the case of a school district, the district makes up the number of days specified in its contingency plan adopted under division (A) of section 3313.482 of the Revised Code in accordance with that plan or, in the case of a nonpublic school, the school makes up the number of days specified in any contingency plan adopted by the school's governing authority in accordance with that plan;

(B) During the period beginning on March 1, 2003, the school was open for instruction for more hours than the required number of hours on a sufficient number of days to make up all remaining days a school was closed in excess of the number permitted by sections 3313.48, 3313.481, and 3317.01 of the Revised Code due to hazardous weather conditions.

As used in this section, the "required number of hours" for any school district is five hours per day in the case of students in grades one through six and five and one-half hours per day in the case of students in grades seven

through twelve, and for any nonpublic school is five hours per day for students in grades one through twelve. A public school or school district shall be deemed to have "made up" a day under division (B) of this section for each additional five hours its students in grades one through six are in attendance after March 1, 2003, and for each additional five and one-half hours its students in grades seven through twelve are in attendance after March 1, 2003. A nonpublic school shall be deemed to have "made up" a day under division (B) of this section for each additional five hours its students in grades on through twelve are in attendance after March 1, 2003.

Section 4. Section 3314.02 of the Revised Code as amended by this act takes effect on the later of April 8, 2003, or the effective date of this date.

Section 5. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity lies in the fact that immediate action is necessary to provide school districts and nonpublic schools an alternative way to make up days missed in the current school year due to hazardous weather conditions in excess of the number permitted by law. Therefore, this act shall go into immediate effect."

In line 4 of the title, after "school" insert "; to permit school districts and nonpublic schools to count any hours or partial hours after March 1, 2003, that schools are in session beyond the number of hours required by minimum standards, in order to make up "calamity days" missed due to hazardous weather conditions in excess of the sum of the number of days permitted by law and the number of days specified in their contingency plans; and to declare an emergency."

The motion was agreed to and the bill so amended.

STEVE REINHARD
ARLENE J. SETZER
SHAWN N. WEBSTER
WILLIAM J. HARTNETT
JAMES M. HOOPS
MARY TAYLOR
MERLE GRACE KEARNS
CLYDE EVANS
W. SCOTT OELSLAGER

L. GEORGE DISTEL
KEVIN DEWINE
LINDA REIDELBACH
TYRONE K. YATES
MICHAEL DEBOSE
CLAUDETTE J. WOODARD
KATHLEEN CHANDLER
DERRICK SEAVER
KENNETH A. CARANO

The following member voted "NO"

DIANA M. FESSLER

The report was agreed to.

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

Representative Book submitted the following report:

The standing committee on Civil and Commercial Law to which was referred **H. B. No. 36**-Representative Willamowski, having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: DOMESTIC RELATIONS CASES-ATTORNEY FEE/LITIGATION EXPENSES

Representative Seitz moved to amend the title as follows:

Add the names: "Core, Latta, Book, Harwood, Schlichter, Seitz."

Representative Willamowski moved to amend as follows:

Between lines 144 and 145, insert:

"(C) Nothing in this section prevents an award of attorney's fees and litigation expenses from being designated as spousal support, as defined in section 3105.18 of the Revised Code."

The motion was agreed to and the bill so amended.

Representative Willamowski moved to amend as follows:

In line 126, after "a" insert "trial".

In line 130, delete "a" and insert "the".

In line 134, after "The" insert "trial".

The motion was agreed to and the bill so amended.

WILLIAM J. SEITZ	TONY CORE
JOHN SCHLICHTER	ROBERT E. LATTA
LANCE T. MASON	JOHN R. WILLAMOWSKI
SANDRA STABILE HARWOOD	JOYCE BEATTY
TODD BOOK	TIMOTHY J. GRENDALL

The report was agreed to.

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

Representative Mason submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 5**-Representative Walcher, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SEX OFFENDER REGISTRATION/NOTIFICATION-CLARIFY

Representative Latta moved to amend the title as follows:

Add the names: "D. Evans, Grendell, Gilb, Willamowski, Collier, Seitz, Latta, Faber."

DAVID R. EVANS	WILLIAM J. SEITZ
KEITH L. FABER	EDNA BROWN
TYRONE K. YATES	LANCE T. MASON

JAMIE CALLENDER
 W. SCOTT OELSLAGER
 SHIRLEY A. SMITH
 ROBERT E. LATTA
 JOHN R. WILLAMOWSKI
 THOM COLLIER

EDWARD JERSE
 DEAN E. DEPIERO
 TIMOTHY J. GRENDALL
 MIKE GILB
 ANNIE L. KEY

The report was agreed to.

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

Representative Mason submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 39**-Representative Carmichael, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SEX OFFENDERS EXPAND NOTIFICATION ABOUT

Representative Latta moved to amend the title as follows:

Add the names: "Oelslager, Collier, D. Evans."

KEITH L. FABER
 JAMIE CALLENDER
 W. SCOTT OELSLAGER
 TYRONE K. YATES
 ROBERT E. LATTA
 WILLIAM J. SEITZ
 JOHN R. WILLAMOWSKI
 EDWARD JERSE

EDNA BROWN
 DAVID R. EVANS
 MIKE GILB
 TIMOTHY J. GRENDALL
 SHIRLEY A. SMITH
 LANCE T. MASON
 ANNIE L. KEY
 DEAN E. DEPIERO

The report was agreed to.

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

Representative Mason submitted the following report:

The standing committee on Criminal Justice to which was referred **H. B. No. 50**-Representative Hughes, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: HIT & RUN-CAUSE DEATH-INCREASE PENALTY

Representative Latta moved to amend the title as follows:

Add the names: "Mason, Seitz, Brown, Jerse, Oelslager, D. Evans."

KEITH L. FABER
 JAMIE CALLENDER
 W. SCOTT OELSLAGER
 SHIRLEY A. SMITH
 ROBERT E. LATTA

TYRONE K. YATES
 DEAN E. DEPIERO
 EDWARD JERSE
 LANCE T. MASON
 EDNA BROWN

JOHN R. WILLAMOWSKI
TIMOTHY J. GREDELLE
THOM COLLIER
WILLIAM J. SEITZ

MIKE GILB
DAVID R. EVANS
ANNIE L. KEY

The report was agreed to.

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

Representative D. Stewart submitted the following report:

The standing committee on State Government to which was referred **H. C. R. No. 8**-Representative S. Patton, et al., having had the same under consideration, reports it back and recommends its passage.

RE: SERVICE OF THE BLACK BRIGADE

Representative Carmichael moved to amend the title as follows:

Add the names: "Cates, Clancy, Key, D. Stewart, Boccieri, Hughes."

LARRY L. FLOWERS
PATRICIA M. CLANCY
DAN STEWART
SYLVESTER D. PATTON
JOHN A. BOCCIERI
ANNIE L. KEY
JIM HUGHES

JON M. PETERSON
JAMES PETER TRAKAS
GARY W. CATES
STEPHEN BUEHRER
JIM CARMICHAEL
DEAN E. DEPIERO
STEVE REINHARD

The report was agreed to.

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

Representative D. Stewart submitted the following report:

The standing committee on State Government to which was referred **H. B. No. 90**-Representative Kearns, et al., having had the same under consideration, reports it back and recommends its passage.

RE: CHANGE 2004 PRIMARY DATE

Representative Carmichael moved to amend the title as follows:

Add the names: "Cates, Trakas, Clancy, Reinhard, Carmichael."

LARRY L. FLOWERS
PATRICIA M. CLANCY
JON M. PETERSON
JIM HUGHES
JAMES PETER TRAKAS

GARY W. CATES
STEPHEN BUEHRER
JIM CARMICHAEL
STEVE REINHARD

The following members voted "NO"

DAN STEWART

ANNIE L. KEY

SYLVESTER D. PATTON
JOHN A. BOCCIERI

DEAN E. DEPIERO

The report was agreed to.

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

Representative D. Stewart submitted the following report:

The standing committee on State Government to which was referred **H. B. No. 81**-Representative Core, having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: COMMUNITY IMPROVEMENT ORGANIZATION

Representative Carmichael moved to amend the title as follows:

Add the name: "S. Patton."

Representative Reinhard moved to amend as follows:

In line 9, after "1724.10" insert "be amended and section 1724.12".

In line 10, delete "amended" and insert "enacted".

Between lines 187 and 188, insert:

"Sec. 1724.12. Notwithstanding any other provision of this chapter, a community improvement corporation shall not, directly or indirectly, provide information service, as defined in 47 U.S.C. 153(20), or cable service, as defined 47 U.S.C. 522(6), in competition with private enterprise."

In line 1 of the title, after "1724.10" insert "and to enact section 1724.12".

In line 8 of the title, after "purposes" insert "and to prohibit a community improvement corporation from providing certain information or cable services in competition with private enterprise".

The motion was agreed to and the bill so amended.

PATRICIA M. CLANCY
LARRY L. FLOWERS
STEVE REINHARD
DAN STEWART
SYLVESTER D. PATTON
JOHN A. BOCCIERI
ANNIE L. KEY

STEPHEN BUEHRER
JAMES PETER TRAKAS
JON M. PETERSON
JIM HUGHES
JIM CARMICHAEL
DEAN E. DEPIERO

The report was agreed to.

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

Representative Wilson reported for the Rules and Reference Committee, recommending that the following House Bills and Senate Bills be considered

for the second time and referred to the following committees for consideration:

H.B. No. 126 - Representative Brinkman, et al

TO AMEND SECTIONS 3719.06, 4731.22, AND 4731.223 AND TO ENACT SECTION 2919.123 OF THE REVISED CODE REGARDING THE PROVISION OR USE OF RU-486 (MIFEPRISTONE) FOR AN ABORTION

To the committee on Health

H.B. No. 127 - Representative Jolivette, et al

TO PERMIT MUNICIPAL CORPORATIONS TO ACQUIRE TAX-DELINQUENT LAND FOR REDEVELOPMENT FREE FROM LIENS FOR THE UNPAID TAXES

To the committee on Ways and Means

H.B. No. 128 - Representative Schmidt, et al

TO ELIMINATE THE BOND REQUIREMENT FOR CIGARETTE DEALER IN GOOD CREDIT ATTENDING AND TO REQUIRE CIGARETTE DEALERS TO REMIT CIGARETTE TAXES ELECTRONICALLY

To the committee on Ways and Means

H.B. No. 129 - Representative Young, et al

TO CREATE "CHOOSE LIFE" LICENSE PLATES AND THE "CHOOSE LIFE" FUND AND TO PROVIDE THAT MONEYS IN THE FUND BE USED BY THE DIRECTOR OF HEALTH TO FUND ELIGIBLE PRIVATE, NONPROFIT ORGANIZATIONS THAT PROVIDE SERVICES TO PREGNANT WOMEN WHO ARE PLANNING TO PLACE THEIR CHILDREN FOR ADOPTION

To the committee on Transportation and Public Safety

H.B. No. 130 - Representative Reidelbach, et al

TO PERMIT THE EXECUTION OF A POWER OF ATTORNEY OR CARETAKER AUTHORIZATION AFFIDAVIT PERMITTING CERTAIN PERSONS WITH WHOM A CHILD RESIDES AUTHORITY OVER THE CARE, CUSTODY, AND CONTROL OF A CHILD INCLUDING THE AUTHORITY TO MAKE DECISIONS REGARDING SCHOOL MATTERS AND TO CONSENT TO THE MEDICAL, PSYCHOLOGICAL, AND DENTAL CARE FOR THE CHILD

To the committee on Juvenile and Family Law

H.B. No. 131 - Representative Schaffer

TO CREATE THE OFFENSE OF NEGLIGENT VEHICULAR ASSAULT

To the committee on Criminal Justice

H.B. No. 132 - Representatives Setzer, et al

TO EXPAND AND MODIFY THE PENALTY FOR THE OFFENSE OF PUBLIC INDECENCY

To the committee on Criminal Justice

Sub. S.B. No. 5 - Senator Jacobson, et al.

TO MODIFY THE SEX OFFENDER REGISTRATION AND NOTIFICATION LAW BY ADOPTING MOST OF THE RECOMMENDATIONS OF THE GOVERNOR'S SEX OFFENDER REGISTRATION AND NOTIFICATION TASK FORCE, GENERALLY CONFORMING THE LAW TO FEDERAL GUIDELINES, RENAMING AS "CHILD-VICTIM ORIENTED OFFENSES" CERTAIN CRIMES AGAINST CHILDREN NOT COMMITTED WITH A SEXUAL MOTIVATION THAT CURRENTLY SUBJECT OFFENDERS AND DELINQUENT CHILDREN TO THE LAW, EXEMPTING CERTAIN SEXUALLY ORIENTED OFFENSES COMMITTED BY A FIRST-TIME OFFENDER DELINQUENT CHILD AGAINST A PERSON 18 YEARS OF AGE OR OLDER FROM THE REGISTRATION AND RELATED DUTIES UNDER THE LAW UNLESS A JUDGE REMOVES THE EXEMPTION, PROVIDING A PENALTY FOR FAILING TO SEND A NOTICE OF INTENT TO RESIDE, CLARIFYING THAT HABITUAL SEX OFFENDERS OR HABITUAL CHILD-VICTIM OFFENDERS IN ANOTHER JURISDICTION ARE HABITUAL SEX OFFENDERS OR HABITUAL CHILD-VICTIM OFFENDERS UNDER OHIO LAW, CLARIFYING THE LAW'S COMMUNITY NOTIFICATION PROVISIONS AS APPLIED TO MULTI-UNIT BUILDINGS, SPECIFYING THAT CONVICTIONS IN COURTS OF FOREIGN NATIONS ARE SEXUALLY ORIENTED OFFENSES OR CHILD-VICTIM ORIENTED OFFENSES UNDER THE LAW, PROHIBITING AN OFFENDER WHO IS SUBJECT TO THE LAW FROM ESTABLISHING A RESIDENCE WITHIN 1,000 FEET OF ANY SCHOOL PREMISES, PERMITTING LANDLORDS TO EVICT SUCH AN OFFENDER FROM RESIDENTIAL PREMISES LOCATED WITHIN 1,000 FEET OF SCHOOL PREMISES, AND MAKING OTHER CHANGES IN THAT LAW; TO ELIMINATE FROM THE OFFENSE OF "IMPORTUNING" A PROHIBITION THAT THE SUPREME COURT FOUND TO BE UNCONSTITUTIONAL; TO AMEND THE VERSIONS OF SECTIONS 2152.19, 2929.01, 2929.13, AND 2929.19 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; AND TO DECLARE AN EMERGENCY

To the committee on Criminal Justice

Sub. S.B. No. 6 - Senator Stivers, et al.

TO MODIFY THE POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH, PUBLIC HEALTH COUNCIL, AND BOARDS OF HEALTH RELATIVE TO BIOTERRORISM AND OTHER PUBLIC HEALTH MATTERS

To the committee on Homeland Security, Engineering, and Architectural Design

LARRY HOUSEHOLDER

JON M. PETERSON

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

JOHN SCHLICHTER
 JAMES PETER TRAKAS
 CHRIS REDFERN
 DIXIE J. ALLEN
 JOYCE BEATTY
 KENNETH A. CARANO
 STEVE L. DRIEHAUS
 ROBERT J. OTTERMAN

Representative Cates moved that the House and constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of all House Bills and Senate 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 and Senate Bills were considered a second time and referred as recommended.

MOTIONS AND RESOLUTIONS

Representative Trakas moved that majority party members asking leave to be absent or absent the week of Tuesday, March 18, 2003, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Miller moved that minority party members asking leave to be absent or absent the week of Tuesday, March 18, 2003, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

H. B. No. 86-Representatives Hoops, Willamowski, Widowfield, Raga.

To amend sections 2151.07, 2301.02, and 2301.03 of the Revised Code to add one additional judge to the Henry County Court of Common Pleas to be elected in 2004 as judge of the Domestic Relations Division, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

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

Those who voted in the affirmative were: Representatives

- | | | | |
|---------|-----------|---------|----------|
| Allen | Aslanides | Barrett | Beatty |
| Blasdel | Bocchieri | 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	Mason	McGregor	Miller
Niehaus	Oelslager	Olman	Otterman
S. Patton	T. Patton	Perry	Peterson
Price	Raga	Raussen	Redfern
Reidelbach	Reinhard	Schaffer	Schlichter
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-97.

The bill passed.

Representative Hoops moved to amend the title as follows:

Add the names: "Buehrer, Daniels, Flowers, Latta, T. Patton, Redfern, Schlichter, Walcher, Webster."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on March 17, 2003, signed the following:

Am. S. J. R. No. 2-Senator Mallory, et al.

On motion of Representative Cates, the House adjourned until Thursday, March 20, 2003 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.