

OHIO

House

of

Representatives

JOURNAL

TUESDAY, MARCH 23, 2004

ONE HUNDRED FIFTY-NINTH DAY
Hall of the House of Representatives, Columbus, Ohio
Tuesday, March 23, 2004 at 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Reverend Jonathan McReynolds of the First Baptist Church in Chillicothe, 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:

Ujima Theater, a guest of Representative Beatty-27th district.

Temple Christian School, guests of Representative Allen-39th district.

Larissa Pashtin, a guest of Representative Raga-67th district.

The Centerburg Elementary Talented and Gifted, guests of Representative Collier-90th district.

Kayla Moxley, a guest of Representative Collier-90th district.

Students from St. Agnes Catholic School, guests of Representatives Wilson-96th district and Domenick-95th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 437-Representatives C. Evans, Cates, McGregor, Collier, Wolpert, Hartnett, DeWine, Distel, G. Smith, Kearns, Seitz, Schmidt, Allen, Hughes, Combs, DeGeeter, D. Evans, Carano, Key, Hagan, Martin, Schaffer, S. Patton, Aslanides.

To enact section 305.51 of the Revised Code to authorize boards of county commissioners to exempt from taxation the homesteads of members of the National Guard and reserve components of the Armed Forces who have been called to active duty under Operation Iraqi Freedom or Operation Enduring Freedom.

H. B. No. 438-Representatives Combs, Seitz, Collier, Reidelbach, Raussen, Schneider, Aslanides, Latta, Brinkman, G. Smith, D. Evans, S. Smith, Cirelli, Harwood.

To amend sections 149.43 and 3105.72 and to enact sections 149.434, 149.435, 149.436, 149.437, 3105.721, and 4513.362 of the Revised Code to exempt specific financial information in court records, other information in court records to which public access has been restricted by court order, and certain information in domestic relations case records from the Public Records

Law and to make the inclusion of Social Security numbers on traffic tickets voluntary.

H. B. No. 439-Representative Buehrer.

To amend existing Section 23 of Am. Sub. H.B. 95 of the 125th General Assembly to require the Office of Budget and Management to review all services performed by the state, and all goods provided by the state, that are of a commercial nature to determine which of them may be opened to competition by private enterprise, to review the delivery structure of all state administrative services to determine the efficiency of their provision, and to develop a rating system for evaluating the effectiveness of all state programs; to create the Asset and Enterprise Review Committee to inventory and appraise all state assets and enterprises; and to earmark funds appropriated to the Office to support these duties.

H. B. No. 440-Representatives Reinhard, McGregor, Walcher, Slaby, Carano, Aslanides, Seitz, D. Evans, C. Evans.

To enact section 5.081 of the Revised Code adopting the apple as the state fruit.

Said bills were considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 130**-Representative Reidelbach, et al., were taken up for consideration.

Sub. H. B. No. 130-Representatives Reidelbach, Hagan, McGregor, Kearns, Faber, Otterman, Grendell, Williams, S. Patton, Cirelli, Allen, Clancy, Hollister, Gilb, Willamowski, Boccieri, Buehrer, Carano, Carmichael, Cates, Collier, Daniels, DeBose, Distel, Domenick, C. Evans, Fessler, Flowers, Gibbs, Hughes, Jolivette, Key, Martin, Niehaus, Olman, T. Patton, Price, Schaffer, Setzer, G. Smith, J. Stewart, Taylor, Wagner, Widener, Wolpert, Young. -Senators Goodman, Stivers, Hottinger, Dann, White, Brady, Carey, Roberts, Schuler, Schuring, Robert Gardner.

To amend sections 3313.64, 3313.66, and 3313.672 and to enact sections 3109.51 to 3109.62, 3109.65 to 3109.80, and 3313.649 of the Revised Code to permit the execution of a power of attorney or caretaker authorization affidavit permitting a grandparent with whom a child resides authority over the care, custody, and control of the child including the authority to make decisions regarding school matters and to consent to the medical, psychological, and dental care for the child, to require the power of attorney or caretaker authorization affidavit be filed with the juvenile court or any other court that may have jurisdiction, to require the grandparent to provide certain specified

information to the court with the power of attorney of caretaker authorization affidavit, and to allow the court to report that information to a public children services agency for the purpose of investigating the grandparent.

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

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	Book	Brinkman	Brown
Buehrer	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
Schneider	Seaver	Seitz	Setzer
Sferra	Skindell	Slaby	Smith G.
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Taylor	Trakas	Ujvagi
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Wilson
Wolpert	Woodard	Yates	Young
			Householder-97.

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 142**-Representative Hagan, et al., were taken up for consideration.

Sub. H. B. No. 142-Representatives Hagan, Willamowski, Schmidt, Setzer, Husted, Schaffer, Seitz, Kearns, Gilb, McGregor, Hoops, Jolivette, Collier, White, Williams, Hollister, Reinhard, Miller, Otterman, Redfern, Allen, Carano, D. Evans, Barrett, Chandler, Ujvagi, S. Smith, Yates, DeBose, Reidelbach, Taylor, Schneider, Beatty, Aslanides, Boccieri, Brown, Buehrer, Callender, Carmichael, Clancy, Daniels, Domenick, C. Evans, Faber, Hartnett, Harwood, Hughes, Kilbane, Koziura, Niehaus, Oelslager, T. Patton, Price, Schlichter, Seaver, G. Smith, D. Stewart, J. Stewart, Strahorn, Trakas, Webster, Wilson, Woodard. -Senators Armbruster, Amstutz, Robert Gardner, Stivers, Schuring.

To enact sections 1713.55, 3332.25, 3345.85, and 3701.133 of the Revised Code regarding meningococcal meningitis and hepatitis B vaccination status of students living in on-campus housing at institutions of higher education.

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

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	Book	Brinkman	Brown
Buehrer	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
Schneider	Seaver	Seitz	Setzer
Sferra	Skindell	Slaby	Smith G.
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Taylor	Trakas	Ujvagi
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Wilson
Wolpert	Woodard	Yates	Young
			Householder-97.

The Senate amendments were concurred in.

The Senate amendments to **Am. Sub. H. B. No. 281**-Representative Martin, et al., were taken up for consideration.

Am. Sub. H. B. No. 281-Representatives Martin, McGregor, Kearns, Seitz, Husted, Schaffer, Webster, Gibbs, Walcher, Carano, G. Smith, Olman, Wolpert, Faber, Hughes, Daniels, Allen, Barrett, Buehrer, Calvert, Carmichael, Chandler, Collier, DeBose, DeGeeter, Distel, Domenick, C. Evans, Flowers, Gilb, Grendell, Hagan, Hartnett, Harwood, Hoops, Jolivette, Kilbane, Latta, Niehaus, Otterman, S. Patton, Perry, Price, Reidelbach, Schlichter, Schmidt, Setzer, Sferra, D. Stewart, J. Stewart, Strahorn, Taylor, Ujvagi, Wagner, Widener, Yates. -Senators Nein, Hottinger, Padgett, Robert Gardner, Mumper, Roberts, Zurz.

To amend sections 1739.02, 1739.99, 1751.02, 1751.28, 3901.78, 3905.14, 3917.01, and 3999.99 and to enact sections 1739.27 and 3999.18 of the Revised Code to change the assets that are considered to be admitted assets for purposes of meeting the statutory minimum for health insuring corporations, to provide an option for group life insurance coverage for certain members of a workforce, to provide for criminal and financial penalties for persons establishing or operating unlicensed health care insurers and criminal and administrative penalties for agents selling policies of unlicensed insurers, and to amend provisions governing the issuance of certificates of compliance to insurers.

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

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	Book	Brinkman	Brown
Buehrer	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
Sferra	Skindell	Slaby	Smith G.
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Taylor	Trakas	Ujvagi
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Wilson
Wolpert	Woodard	Yates	Young
			Householder-97.

The Senate amendments were concurred in.

MOTIONS AND RESOLUTIONS

Representative Wilson reported for the Rules and Reference Committee recommending that the following House Resolution be read and approved:

H.R. No. 192 - 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, 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
IN MEMORY OF JEFFREY H. MANNING

/s/ LARRY HOUSEHOLDER
Larry Householder, Chair

Representative Cates moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolution contained therein be brought up for immediate adoption, read in full, and spread upon the pages of the journal.

The motion was agreed to.

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

H. R. No. 192- 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, 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.

In memory of Jeffrey H. Manning.

WHEREAS, The members of the House of Representatives of the 125th General Assembly of Ohio were deeply saddened to learn of the death of Jeffrey Manning and extend our heartfelt condolences to his family and friends; and

WHEREAS, Jeffrey Manning left an indelible impression on the people whose lives he touched, and he will be remembered as a spirited individual who

contributed immeasurably to the world around him. Most recently serving as Lorain County Prosecutor, he was a former law director for North Ridgeville, magistrate for the Elyria Municipal Court, and member of the Ohio House of Representatives, where he served as chairman of the Transportation and Public Safety Committee and on the Criminal Justice, Civil and Commercial Law, and Homeland Security committees. In addition, he was the recipient of numerous awards and was involved with such prestigious public service organizations as the Ohio Council of School Board Attorneys, the Governor's Task Force on Impaired Driving, the Ohio Municipal Attorneys Association, and the Ohio Supreme Court's Rules Advisory Committee; and

WHEREAS, Jeffrey Manning's regard for improving the quality of life in our society was clearly evident in his personal sacrifices of time and effort to his family, friends, and community, and he will be remembered for his generosity, talents, and seemingly inexhaustible energy. The president of the North Ridgeville Republican and Kiwanis clubs, North Ridgeville Jaycees, and Ranger Boys Basketball Boosters, Inc., he was also an affiliate with the National Youth Sports Coaches Association and a trustee of the North Ridgeville Community Improvement Corporation, and he displayed exceptional concern in all of his endeavors. His absence will be keenly felt; and

WHEREAS, A loyal husband to his wife, Gayle, a loving father to his two children, Allison and Nathan, and a caring brother to his two siblings, Mel and Dean, Jeffrey Manning readily extended warmth and understanding to others, and the legacy of care and commitment he established will stand as a monument to his personal character; therefore be it

RESOLVED, That we, the members of the House of Representatives of the 125th General Assembly of Ohio, in adopting this Resolution, express a profound sense of loss and sincere regret at the death of Jeffrey Manning; 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 Jeffrey Manning.

The resolution was adopted.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 316-Representatives Wolpert, McGregor, Hughes, Reidelbach, Cirelli, Raussen, Kearns, Williams, Latta, Brinkman, Seitz, Willamowski, D. Evans, Widener.

To amend sections 9.87, 2743.01, and 2743.02 and to enact sections 341.27 and 753.06 of the Revised Code to provide sheriffs, deputy sheriffs, municipal police officers, county and municipal correctional officers, community-based correctional facility officers, and halfway house facility officers and counties, municipal corporations, and townships in which prisoners work on a work detail and that employ the officers supervising the work detail with qualified immunity from damages caused by outside work details consisting of prisoners or adult offenders imprisoned or residing in a halfway house facility

for nonviolent offenses who volunteer for the work detail and to adopt the public duty rule for lawsuits against the state in the Court of Claims pursuant to which the state is generally immune from liability in any civil action or proceeding involving the performance or nonperformance of a public duty, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Wolpert moved to amend as follows:

In line 233, after "prisoners" insert "or adult offenders"

In line 239, after "injury" insert ", death, or loss"

In line 275, delete "municipal corporation or township" and insert "the county"

In line 300, delete "correction" and insert "correctional"

In line 317, delete "correction" and insert "correctional"

In line 331, after "officer" insert "or the municipal corporation or township"

In line 344, after "officer" insert "or the municipal corporation or township"

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

The motion was agreed to without objection.

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

The yeas and nays were taken and resulted - yeas 84, nays 13, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Blasdel	Book
Brinkman	Brown	Buehrer	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	Kilbane	Koziura	Latta
Martin	McGregor	Niehaus	Oelslager
Olman	Otterman	Patton T.	Perry
Peterson	Raga	Raussen	Redfern
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seaver	Seitz
Setzer	Sferra	Slaby	Smith G.
Stewart D.	Stewart J.	Taylor	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Wilson	Wolpert	Young	Householder-84.

Those who voted in the negative were: Representatives

Barrett	Beatty	Key	Mason
Miller	Patton S.	Price	Skindell
Smith S.	Strahorn	Sykes	Woodard
			Yates-13.

The bill passed.

Representative Wolpert moved to amend the title as follows:

Add the names: "Aslanides, Buehrer, Calvert, Carmichael, Chandler, Collier, Daniels, Domenick, C. Evans, Faber, Flowers, Gibbs, Gilb, Hagan, Hollister, Niehaus, Olman, T. Patton, Reinhard, Schaffer, Schmidt, Schneider, Setzer, Sferra, G. Smith, J. Stewart, Walcher, Young."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

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. H. B. No. 301 - Representatives Core, Seitz, Hoops, Gilb, Willamowski, McGregor, Collier, Gibbs, White, Hughes, Setzer, T. Patton, Wolpert, Daniels, Sferra, Martin, G. Smith, Aslanides, Book, Buehrer, Calvert, Carano, Clancy, DeGeeter, Domenick, Flowers, Grendell, Harwood, Reidelbach, Schmidt, Skindell, S. Smith, J. Stewart, Taylor, Woodard.

To amend section 3929.18 of the Revised Code to limit the duration of a mutual insurance company's lien on property it insures to five years from the date of filing a certificate or extension certificate with the county recorder.

Attest:

Matthew T. Schuler,
Clerk.

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. 189 - Representatives Blasdel, Schneider, S. Smith, Olman, Harwood, Martin, Fessler, Reidelbach, G. Smith, Hoops, Allen, Barrett, Beatty, Boccieri, Book, Brown, Calvert, Carano, Carmichael, Cirelli, Daniels, DeBose, Distel, Domenick, Driehaus, C. Evans, Flowers, Hartnett, Hollister, Hughes, Jolivette, Kearns, Key, Latta, Miller, Oelslager, S. Patton, T. Patton, Perry, Peterson, Price, Schaffer, Schlichter, Schmidt, Setzer, Sferra, D. Stewart, J. Stewart, Walcher, Widener, Wilson, Woodard.
Senators Wachtmann, Carey, Robert Gardner, Schuler, Dann, Mumper

To amend section 3727.06 of the Revised Code to allow podiatrists to make independent hospital admissions.

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 passed the following bill in which the concurrence of the House is requested:

S. B. No. 139 - Senators Mumper, Carey, Harris

To amend sections 4981.09, 4981.091, and 4981.14 of the Revised Code to authorize the Ohio Rail Development Commission to pledge specified moneys to secure Department of Development obligations issued for qualifying rail service projects and to pledge other moneys to guarantee certain loans made or guaranteed by the federal government.

Attest:

Matthew T. Schuler,
Clerk.

Said bill was considered the first time.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has adopted the following concurrent resolution in which the concurrence of the House is requested:

S. C. R. No. 22 - Senator Wachtmann

To approve the Public Health Council's proposed revision of Chapter 3701-36 of the Ohio Administrative Code establishing standards to be met by boards of health and local health departments and procedures for payment of state subsidies for meeting those standards.

Attest:

Matthew T. Schuler,
Clerk.

Said concurrent resolution was referred to the committee on Rules and Reference under the Rule.

On motion of Representative Cates, the House adjourned until Wednesday, March 24, 2004 at 1:30 o'clock p.m.

Attest:

LAURA P. CLEMENS,
Clerk.