

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, MARCH 24, 2004

ONE HUNDRED SIXTIETH DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, March 24, 2004 at 1:30 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Reverend Alexander Papagikos of the Greek Orthodox Cathedral in Columbus, 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:

Dan Milner, Bill Antonoplos, guests of Representative Peterson-2nd district.

Brian Gleisser, a guest of Representative Mason-8th district.

Chelsea Jarrell, Mike Cinson, Derick Wynian, and Dale Howard, guests of Representatives Skindell-13th district, Oelslager-51st, Cirelli-52nd district.

Sara Malkin and Derek Evans, guests of Representatives Skindell-13th district, Jerse-7th district, Trakas-17th district.

Tony Little, a guest of Representative Flowers-19th district.

Courtney Wayman, a guest of Representative Wolpert-23rd district.

John Lazarus, a guest of Representative Schneider-35th district.

Andreas Lundberg, a guest of Representative Strahorn-40th district.

Judge Andy Devine, a guest of Representative Ujvagi-47th district.

Pete Culp and James Powell, guests of Representative Brown-48th district.

Chris and Manual Michalakis, Gus Papadakis, Frank and Mike Manos, and George Casiudakis, guests of Representative Sferra-64th district.

Adrienne Brakfield, a guest of Representative Chandler-68th district.

Pat Holmes, Jane Marshall, Rhonda Williams, Mary Miller, and Mary Burns, guests of Representative Faber-77th district.

Carol Erdman, Julie Perie, Ray Roberts, guests of Representative Daniels-86th district.

Steven Carlson, LeAnne Johnson, Don Davis, David Sheets, guests of Speaker Householder-91st district.

Lynn Majzun and Kathy Klee, guests of Representatives Domenick-95th district, Wilson-96th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 441-Representatives McGregor, Slaby, J. Stewart, Carano, Seitz, Schaffer, Aslanides, Schlichter, Setzer, Hollister, D. Evans, DeGeeter, Trakas, Reidelbach, Faber, Cirelli, Olman, Latta, Hartnett, Hughes, Walcher, Price, Beatty, Ujvagi, Harwood.

To enact sections 4503.431 and 4503.432 of the Revised Code to create "Silver Star" license plates and "Bronze Star Medal" license plates.

H. B. No. 442-Representative Olman.

To enact section 5.2228 of the Revised Code to designate March 31 of each year as "Cesar E. Chavez Day."

H. B. No. 443-Representatives Barrett, Clancy, Seitz, Schneider, Allen, Setzer, Brown, Carano, Combs, DeGeeter, Sferra.

To amend sections 4501.21 and 4503.591 of the Revised Code to provide an additional procedure for the issuance of license plates bearing the logo of a professional sports team.

Said bills were considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 189**-Representative Blasdel, et al., were taken up for consideration.

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.

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

The yeas and nays were taken and resulted - yeas 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|-------------|------------|------------|-----------------|
| Allen | Aslanides | Barrett | Beatty |
| Blasdel | Book | Brinkman | Brown |
| Buehrer | Callender | 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 | Kearns | Key |
| Kilbane | Koziura | Latta | Martin |
| Mason | McGregor | Miller | Niehaus |
| Oelslager | Olman | Otterman | Patton T. |
| Perry | Peterson | Price | Raga |
| Raussen | Redfern | Reidelbach | Reinhard |
| Schaffer | Schlichter | Schmidt | Schneider |
| Seaver | Seitz | Setzer | Sferra |
| Skindell | Slaby | Smith G. | Stewart D. |
| Stewart J. | Strahorn | Sykes | Taylor |
| Trakas | Ujvagi | Wagner | Walcher |
| Webster | White | Widener | Widowfield |
| Willamowski | Wilson | Wolpert | Woodard |
| Yates | Young | | Householder-95. |

The Senate amendments were concurred in.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Distel submitted the following report:

The standing committee on Commerce and Labor to which was referred **Sub. S. B. No. 102**-Senator Wachtmann, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: MANUFACTURED HOMES - REGULATE INSTALLATION

Representative Young moved to amend the title as follows:

Add the names: "Representatives Distel, McGregor, Schaffer."

| | |
|----------------------|---------------------|
| DALE MILLER | JIM MCGREGOR |
| CHRIS WIDENER | L. GEORGE DISTEL |
| DAN STEWART | RON YOUNG |
| SALLY CONWAY KILBANE | TIMOTHY O. SCHAFFER |

The following member voted "NO"

TOM BRINKMAN

The report was agreed to.

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

Representative Distel submitted the following report:

The standing committee on Agriculture and Natural Resources to which was referred **H. B. No. 368**-Representative Gibbs, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: MOBILE HOMES/RV PARKS - SEPARATE REG. PROGRAMS

Representative Aslanides moved to amend the title as follows:

Add the names: "Domenick, C. Evans, Niehaus, Walcher, Setzer, Distel, Perry, Seaver."

JIM CARMICHAEL
CHRIS WIDENER
JOHN SCHLICHTER
CLYDE EVANS
L. GEORGE DISTEL
KATHLEEN WALCHER
STEVE REINHARD
JEANINE PERRY
DERRICK SEAVER

BOB GIBBS
TOM NIEHAUS
STEVE L. DRIEHAUS
JOHN DOMENICK
TODD BOOK
KEITH L. FABER
JEFF WAGNER
JIM ASLANIDES
ARLENE J. SETZER

The report was agreed to.

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

Representative Distel submitted the following report:

The standing committee on Commerce and Labor to which was referred **S.C.R. No. 24**-Senator Schuler, et al., having had the same under consideration, reports it back as a substitute resolution and recommends its adoption.

RE: US - TAIWAN FREE TRADE/TAIWAN IN WHO - SUPPORT

Representative Young moved to amend the title as follows:

Add the names: "Representatives McGregor, Miller, Young."

DALE MILLER
RON YOUNG
TIMOTHY O. SCHAFFER

L. GEORGE DISTEL
SALLY CONWAY KILBANE
DAN STEWART

The report was agreed to.

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

Representative Wilson reported for the Rules and Reference Committee recommending that the following House Bill and Senate Bills be considered for the second time and referred to the following committees for consideration:

H.B. No. 436 - Representative Schaffer

TO INCREASE TAX-DEDUCTIBILITY OF UNREIMBURSED MEDICAL EXPENSES AND TO EXPRESSLY INCORPORATE FAVORABLE TAX TREATMENT OF NEW HEALTH SAVINGS ACCOUNTS

To the committee on Ways and Means

Sub. S.B. No. 101 - Senator Schuler, et al

TO CREATE THE "PETS" LICENSE PLATE, THE PETS PROGRAM FUNDING BOARD, AND THE PET SUPPORT FUND AND TO PROVIDE THAT MONEYS IN THE FUND BE USED TO SUPPORT PROGRAMS FOR THE STERILIZATION OF DOGS AND CATS, AND FOR EDUCATIONAL PROGRAMS CONCERNING THE PROPER VETERINARY CARE OF THOSE ANIMALS

To the committee on Transportation and Public Safety

S.B. No. 139 - Senator Mumper, et al

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

To the committee on Finance and Appropriations

Am. S.B. No. 146 - Senator Austria, et al

TO EXPAND "DISRUPTING PUBLIC SERVICES" TO SPECIFICALLY PROHIBIT THE USE OF A COMPUTER, ANOTHER SPECIFIED TYPE OF DEVICE OR THE INTERNET SO AS TO DISRUPT, INTERRUPT, OR IMPAIR ANY POLICE, FIRE, EDUCATIONAL, COMMERCIAL, OR GOVERNMENTAL FUNCTION; TO EXPAND "CRIMINAL MISCHIEF" TO SPECIFICALLY INCLUDE CERTAIN CONDUCT RELATED TO COMPUTER HACKING OR THE INTRODUCTION OF A COMPUTER CONTAMINANT; TO INCREASE THE PENALTY FOR "UNAUTHORIZED USE OF COMPUTER, CABLE, OR TELECOMMUNICATION PROPERTY" WHEN COMMITTED UNDER CERTAIN SPECIFIED CIRCUMSTANCES AND WHEN THE VALUE OF THE INVOLVED PROPERTY, SERVICES, OR VICTIM'S LOSS IS AT LEAST \$10,000; TO SPECIFICALLY INCLUDE "COMPUTER HACKING" WITHIN THE SCOPE OF "CRIMINAL MISCHIEF" AND "UNAUTHORIZED USE OF COMPUTER, CABLE, OR TELECOMMUNICATION PROPERTY;" AND TO PROVIDE A RULE FOR INTERPRETING STATUTORY REFERENCES THAT DEFINE OR

SPECIFY A CRIMINAL OFFENSE

To the committee on Criminal Justice

Sub. S.B. No. 151 - Senator Spada, et al

TO REQUIRE CONSUMER REPORTING AGENCIES TO FURNISH CONSUMERS WITH ONE FREE CONSUMER REPORT PER CALENDAR YEAR, TO PROHIBIT CONSUMER REPORTING AGENCIES FROM DISCLOSING CERTAIN INFORMATION OBTAINED FROM INSURER INQUIRIES, AND TO INDEMNIFY INSURANCE AGENTS WHO OBTAIN OR USE CREDIT INFORMATION OR INSURANCE SCORES FOR AN INSURER

To the committee on Banking, Pensions, and Securities

GARY W. CATES
 JIM CARMICHAEL
 LARRY L. FLOWERS
 THOMAS F. PATTON
 JOHN SCHLICHTER
 KATHLEEN WALCHER
 JOYCE BEATTY
 EDWARD JERSE
 CHARLES A. WILSON

CHARLES CALVERT
 PATRICIA M. CLANCY
 JIM HUGHES
 JON M. PETERSON
 JAMES PETER TRAKAS
 DIXIE J. ALLEN
 KENNETH A. CARANO
 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 the House Bill 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 Bill and Senate Bills were considered a second time and referred as recommended.

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. 202 - Representative Fessler

HONORING WAYNE NIRODE AS A 2003 MILKEN FAMILY FOUNDATION NATIONAL EDUCATOR

Add the names: "Walcher, Allen"

/s/ GARY CATES
 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 approved.

The motion was agreed to.

Representative Trakas moved that majority party members asking leave to be absent or absent the week of Tuesday, March 23, 2004, 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 23, 2004, 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

Sub. H. B. No. 325-Representatives Hollister, Faber, Aslanides, Blasdel, Brinkman, Callender, Carmichael, Clancy, Collier, Daniels, C. Evans, Fessler, Flowers, Gibbs, Gilb, Grendell, Hoops, Latta, Kearns, Niehaus, Oelslager, Olman, Peterson, Raussen, Reidelbach, Reinhard, Schaffer, Schmidt, J. Stewart, Taylor, Trakas, Wagner, Widener, Widowfield, Willamowski, Wolpert, Young, Allen, Book, Carano, Cirelli, DePiero, Distel, Domenick, Driehaus, Hartnett, Harwood, Jerse, Koziura, Otterman, S. Patton, Perry, Redfern, Seaver, Sferra, Wilson, Cates, D. Stewart.

To amend sections 1711.09, 2915.01, 2915.02, 2915.03, 2915.07, 2915.08, 2915.081, 2915.09, 2915.091, 2915.092, 2915.095, 2915.10, 2915.101, and 2915.13 and to enact section 2915.083 of the Revised Code relative to the conduct of bingo, instant bingo at a bingo session, and instant bingo other than at a bingo session by a charitable organization and to other charitable gambling-related matters, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 91, nays 6, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|-----------|-----------|----------|------------|
| Allen | Aslanides | Barrett | Beatty |
| Blasdel | Book | Brinkman | Brown |
| Buehrer | Callender | Carano | Carmichael |
| Cates | Chandler | Cirelli | Clancy |
| Collier | Combs | Core | Daniels |
| DeBose | DeGeeter | Distel | Domenick |
| Driehaus | Evans C. | Evans D. | Faber |
| Fessler | Flowers | Gibbs | Gilb |
| Grendell | Hagan | Hartnett | Harwood |
| Hollister | Hoops | Hughes | Jerse |
| Kearns | Key | Kilbane | Koziura |
| Latta | Martin | Mason | Miller |

| | | | |
|-------------|------------|------------|-----------------|
| Niehaus | Oelslager | Olman | Otterman |
| Patton T. | Perry | Peterson | Price |
| Rausen | Redfern | Reidelbach | Reinhard |
| Schaffer | Schlichter | Schmidt | 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-91. |

Representatives Calvert, DeWine, Husted, McGregor, Raga, and Schneider voted in the negative-6.

The bill passed.

Representative Hollister moved to amend the title as follows:

Add the names: "Barrett, Beatty, Brown, Buehrer, Chandler, DeBose, DeGeeter, D. Evans, Hagan, Hughes, Key, Martin, Miller, T. Patton, Seitz, Setzer, Skindell, G. Smith, S. Smith, Strahorn, Sykes, Ujvagi, Walcher, Woodard, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Representative Cates moved that House Rule 65, pertaining to bills being placed on the calendar, be suspended and that **Sub. S. B. No. 102**-Senator Wachtmann, et al. be taken up for immediate consideration the third time.

The motion was agreed to without objection.

Sub. S. B. No. 102-Senators Wachtmann, Jacobson, Prentiss.
-Representatives Distel, McGregor, Schaffer.

To amend sections 3733.02, 3781.06, and 4743.05 and to enact sections 117.251, 4781.01, 4781.02, 4781.03, 4781.04, 4781.05, 4781.06, 4781.07, 4781.08, 4781.09, 4781.10, 4781.11, 4781.12, 4781.13, 4781.14, and 4781.15 of the Revised Code to establish the Ohio Manufactured Homes Commission to regulate the installation of manufactured housing in Ohio and to require the Auditor of State to make a notation on the audit report of any county treasurer's office that invested at least ten per cent in local institutions during the previous fiscal year, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 93, nays 3, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|-----------|-----------|---------|------------|
| Allen | Aslanides | Barrett | Beatty |
| Blasdel | Book | Brown | Buehrer |
| Callender | 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 | Hagan | Hartnett | Harwood |
| Hollister | Hoops | Hughes | Husted |
| Jerse | Kearns | Key | Kilbane |
| Koziura | Latta | Martin | Mason |
| McGregor | Miller | Niehaus | Oelslager |
| Olman | Otterman | 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 | Widowfield | Willamowski | Wilson |
| Wolpert | Woodard | Yates | Young |
| | | | Householder-93. |

Representatives Brinkman, Grendell, and Patton T. voted in the negative-3.

The bill passed.

Representative Young moved to amend the title as follows:

Add the names: "Representatives Barrett, Brown, Cates, Chandler, D. Evans, Flowers, Harwood, Martin, Niehaus, Otterman, Raga."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

MESSAGE FROM THE SPEAKER

Pursuant to House Rules 12, 27 and 29, the Speaker hereby makes the following changes to standing committees and standing subcommittees:

Agriculture and Natural Resources - remove Representative Boccieri, appoint Representative Yates

Children's Health Care and Family Services subcommittee - remove Representative Yates as ranking minority member, appoint Representative Price as ranking minority member

Civil and Commercial Law - remove Representative Book as ranking minority member, appoint Representative Harwood as ranking minority member

Commerce and Labor - remove Representative Boccieri, appoint Representative DeGeeter

County and Township Government - remove Representative Price, appoint Representative DeGeeter

Criminal Justice - remove Representative Mason as ranking minority member, Representative Brown, and former Representative DePiero, appoint Representative Yates as ranking minority member, Representative DeGeeter, and Representative Barrett

Energy and Environment - remove Representative Skindell as ranking minority member and appoint Representative D. Stewart as ranking minority member

Ethics and Elections subcommittee - remove Representative Bocchieri as ranking minority member and former Representative DePiero, appoint Representative Mason as ranking minority member and Representative Brown

Health - remove Representative Jerse, appoint Representative Price

Judiciary - remove former Representative DePiero as ranking minority member, appoint Representative Book as ranking minority member

Juvenile and Family Law - remove Representative Harwood as ranking minority member, Representative Mason, Representative Book, appoint Representative DeGeeter as ranking minority member and Representative Skindell

Municipal Government and Urban Revitalization - remove Representative Yates, appoint Representative Bocchieri

Regulatory Reform subcommittee - remove Representative D. Stewart as ranking minority member, appoint Representative Skindell as ranking minority member

State Government - remove Representative Bocchieri and former Representative DePiero, appoint Representative Brown and Representative Mason

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representative, on March 23, 2004, signed the following:

Am. Sub. H.B. No. 135 - Representative Willamowski - et al.,

Am. Sub. S.B. No. 58 - Senator Jacobson - et al.,

Am. Sub. S.B. No. 189 - Senator Harris - et al.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on March 24, 2004, signed the following:

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

Sub. H.B. No. 142 - Representative Hagan - et al.,

Am. Sub. H.B. No. 281 - Representative Martin - et al.,

Am. H.B. No. 301 - Representative Core - et al.

On motion of Representative Cates, the House adjourned until Thursday, March 25, 2004 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.