

OHIO

House

of

Representatives

JOURNAL

TUESDAY, APRIL 1, 2003

THIRTY-FOURTH DAY

Hall of the House of Representatives, Columbus, Ohio
Tuesday, April 1, 2003 at 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Grace Marie of the Cosmic Garden of Inner Light 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:

Representative Jolivette presented H. R. No. 42, recognizing National Donate Life Month, April 2003.

Sally Miller, Dave Hall, and Dorcas Miller, guests of Representative Gibbs-97th district.

Members of the Putnam County Educational Service Center, guests of Representative Hoops-75th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 151-Representatives Latta, McGregor, Hollister, Calvert, Kearns, Collier, Husted, Wagner, Webster, D. Evans, Raga, C. Evans, Schaffer, Widener, Allen.

To amend sections 1905.01, 2903.06, 2903.08, 2919.22, 2921.13, 3701.143, 4506.11, 4507.13, 4507.52, 4510.13, 4510.14, 4510.17, 4510.31, 4511.19, 4511.191, 4511.193, 4511.195, 4549.02, 4549.021, and 4549.03 and to enact sections 4511.198 and 4511.199 of the Revised Code relative to the OVI Laws.

H. B. No. 152-Representatives Reinhard, Aslanides.

To amend sections 307.204, 505.266, 903.01, 903.02, 903.04, 903.08, 903.09, 903.10, 903.16, and 903.20 and to enact sections 903.081 and 903.082 of the Revised Code to revise the statutes governing animal feeding facilities.

Said bills were considered the first time.

**REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS
FOR SECOND CONSIDERATION**

Representative DePiero submitted the following report:

The standing committee on Judiciary to which was referred **Sub. S. B. No.**

8-Senator Austria, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CYBERSTALKING-PROHIBIT

Representative Willamowski moved to amend the title as follows:

Add the names: "Willamowski, Widowfield, DePiero."

JOHN R. WILLAMOWSKI	DEAN E. DEPIERO
JOHN WIDOWFIELD	SANDRA STABILE HARWOOD
TOM RAGA	STEVE L. DRIEHAUS
W. SCOTT OELSLAGER	TOM BRINKMAN
JAMIE CALLENDER	EDWARD JERSE
TIMOTHY J. GRENDALL	

The report was agreed to.

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

Representative DePiero submitted the following report:

The standing committee on Judiciary to which was referred **H. B. No.**

51-Representative Hughes, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: PROBATE REVISIONS

Representative Willamowski moved to amend the title as follows:

Add the names: "Willamowski, Oelslager, Harwood."

JOHN R. WILLAMOWSKI	DEAN E. DEPIERO
TOM RAGA	SANDRA STABILE HARWOOD
W. SCOTT OELSLAGER	STEVE L. DRIEHAUS
JAMIE CALLENDER	JOHN WIDOWFIELD
TIMOTHY J. GRENDALL	TOM BRINKMAN
EDWARD JERSE	

The report was agreed to.

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

Representative DePiero submitted the following report:

The standing committee on Judiciary to which was referred **H. B. No.**

82-Representative DePiero, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: JURY DUTY-EXCUSE 70 YEARS AND OLDER

Representative Willamowski moved to amend the title as follows: Remove:

"Grendell."

Representative DePiero moved to amend as follows:

In line 23, after "seventy" insert "-five".

In line 2 of the title, delete "70" and insert "75".

The motion was agreed to.

JOHN R. WILLAMOWSKI
STEVE L. DRIEHAUS
DEAN E. DEPIERO
W. SCOTT OELSLAGER
EDWARD JERSE

JOHN WIDOWFIELD
SANDRA STABILE HARWOOD
TOM RAGA
TOM BRINKMAN

The following members voted "NO"

JAMIE CALLENDER

TIMOTHY J. GRENDELL

The report was agreed to.

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

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 24-Representatives Wolpert, McGregor, Flowers, Reidelbach, Seitz, Husted, Widowfield, Fessler, Olman, Daniels, Walcher, Ujvagi, Collier, Cirelli, Wagner, C. Evans, Schlichter, Sferra, Price.

To amend sections 703.21 and 1905.01, and to enact section 703.201 of the Revised Code to permit the dissolution of a village under certain conditions, to limit mayors courts to municipal corporations with a population of over 100 persons, and to amend the version of section 1905.01 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, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Skindell moved to amend as follows:

In line 68, after the underlined period insert "If the court determines that all these criteria have been met, the court shall determine whether the village continues to serve a legitimate public purpose .

If the court determines the village serves a legitimate public purpose, it shall weigh the totality of the circumstances presented in evidence to determine whether to order the dissolution of the village. "; delete "so".

In line 69, after "finds" insert "that the village serves no legitimate public

purpose".

In line 70, after "powers" insert "and disposition of assets".

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

The yeas and nays were taken and resulted - yeas 37, nays 60, as follows:

Those who voted in the affirmative were: Representatives

Allen	Barrett	Beatty	Book
Brinkman	Brown	Carano	Chandler
Cirelli	DeBose	DePiero	Distel
Domenick	Driehaus	Hartnett	Harwood
Jerse	Key	Koziura	Mason
Miller	Otterman	S. Patton	Perry
Price	Rausen	Redfern	Seaver
Sferra	Skindell	S. Smith	D. Stewart
Strahorn	Sykes	Ujvagi	Wilson
			Yates-37.

Those who voted in the negative were: Representatives

Aslanides	Blasdel	Buehrer	Callender
Calvert	Carmichael	Cates	Clancy
Collier	Core	Daniels	DeWine
C. Evans	D. Evans	Faber	Fessler
Flowers	Gibbs	Gilb	Grendell
Hagan	Hollister	Hoops	Hughes
Husted	Jolivette	Kearns	Kilbane
Latta	McGregor	Niehaus	Oelslager
Oلمان	T. Patton	Peterson	Raga
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seitz	Setzer
G. Smith	J. Stewart	Taylor	Trakas
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Woodard	Young	Householder-60.

The motion was not agreed to.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 89, nays 8, 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	Core	Daniels	DeBose
DeWine	Domenick	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
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seaver	Seitz
Setzer	Sferra	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-89.

Representatives Brinkman, DePiero, Distel, Driehaus, Raga, Raussen, Redfern, and Skindell voted in the negative-8.

The bill passed.

Representative Wolpert moved to amend the title as follows:

Add the names: "Cates, Hughes, Kearns, Schneider, D. Stewart, J. Stewart."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. H. B. No. 36-Representatives Willamowski, Core, Latta, Book, Harwood, Schlichter, Seitz.

To amend section 3105.18 and to enact section 3105.73 of the Revised Code relative to the award of attorney's fees and litigation expenses in certain domestic relations cases, 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	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	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-97.

The bill passed.

Representative Willamowski moved to amend the title as follows:

Add the names: "Chandler, Cirelli, C. Evans, Flowers, Hagan, Hughes, Otterman, Reidelbach, Schmidt, J. Stewart."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 43-Representatives Core, Willamowski, Collier, Seitz, Hollister, Gibbs, Olman, Hagan, Widener, Calvert, Hartnett, McGregor, Reinhard, Setzer, Schaffer, Gilb, Jolivette, Woodard, Carmichael, Otterman, Allen, Strahorn, Williams, White, Carano, Flowers, Ujvagi, Webster, Perry, Seaver, DeBose, Niehaus, Domenick.

To enact sections 6111.50 to 6111.56 of the Revised Code to establish requirements for the use of credible data in administering the Water Pollution Control Law, 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	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	Rausen	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	Wilson	Wolpert
Woodard	Yates	Young	Householder-96.

The bill passed.

Representative Core moved to amend the title as follows:

Add the names: "Book, Brown, Buehrer, Cates, Chandler, Cirelli, Clancy, Daniels, DeWine, Distel, D. Evans, Faber, Hoops, Hughes, Kearns, Key, S. Patton, T. Patton, Peterson, Raussen, Redfern, Reidelbach, Schlichter, Schneider, S. Smith, J. Stewart, Taylor, Trakas, Wagner, Widowfield, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 53-Representatives Seitz, Raussen, Schneider, Hagan, T. Patton, McGregor, Chandler, Carano, Calvert, Wolpert, Jolivette, Kearns, Otterman, Allen, Koziura, Ujvagi, Niehaus, S. Patton, Webster, S. Smith, DeBose, Harwood, Olman, Flowers, Widowfield, Daniels, Cirelli, Domenick, Schlichter, Price, Skindell, C. Evans, Walcher.

To amend sections 5309.24, 5309.25, 5309.95, 5309.96, 5309.98, 5310.03, and 5310.07 and to enact section 5309.031 of the Revised Code to allow a county recorder to maintain registered land records by the use of photographic, magnetic, electronic, or certain other processes, means, or displays, 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	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	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-97.

The bill passed.

Representative Seitz moved to amend the title as follows:

Add the names: "Barrett, Brown, Buehrer, Cates, Clancy, Collier, Core, Distel, D. Evans, Gibbs, Hartnett, Hoops, Hughes, Key, Miller, Perry, Reidelbach, Schmidt, Seaver, Setzer, Sferra, D. Stewart, J. Stewart, Taylor, Widener, Yates."

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 27, 2003, signed the following:

Am. S. B. No. 12-Senator Randy Gardner, et al.

Am. Sub. H. B. No. 87-Representative Buehrer, et al.

On motion of Representative Cates, the House adjourned until Wednesday, April 2, 2003 at 1:30 o'clock p.m.

Attest:

LAURA P. CLEMENS,
Clerk.