

OHIO

House

of

Representatives

JOURNAL

TUESDAY, APRIL 8, 2003

THIRTY-SEVENTH DAY

Hall of the House of Representatives, Columbus, Ohio
Tuesday, April 29, 2003, 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Dr. Rick Arrowood of the Troy Baptist Temple in Troy, Ohio, followed by the Pledge of Allegiance to the Flag., 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:

Teachers and students of the Barnesville Junior High School, guest of Representative Wilson-96th district.

Julie Brunt, a guest of Representative DePiero-15th district.

Charlie Doan, Diane Williams, and Sandy Godby, guests of Representative Schmidt-66th district.

Mike Bowers and members of the Ohio Education Association, guests of Representative Kearns-72nd district & Representative Widener-84th district.

Dr. Richard Cole, a guest of Representative Fessler-79th district.

Members of the Knox County Area Chamber of Commerce, guests of Representative Collier-90th district.

Students from Wayne College, guests of Representative Gibbs-97th district.

Matt Unger, Nora Vanoeuberg, and Carol Ridgeway, guests of Representative Daniels-86th district.

Jeff Bunk and students of the Anthony Wayne High School, guests of Representative Olman-46th district & Representative Latta-6th district.

Students of the MacFarlane Middle School, guests of Representative Allen-39th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 159-REPRESENTATIVES Hagan, Oelslager, Seitz, Schaffer, J. Stewart, Callender, Latta, Young, Cirelli.

To amend section 2501.011 of the Revised Code to add one additional judge for the Fifth District Court of Appeals.

H. B. No. 160-REPRESENTATIVES Beatty, Key, Miller, Koziura, Cirelli,

DePiero, Brinkman, McGregor, Perry, Harwood, Barrett, Seitz, S. Smith, Allen, Schneider, Ujvagi, Sferra, Chandler, Strahorn.

To amend section 3313.603 of the Revised Code to require that every high school include in the requirements for graduation instruction in personal economics.

H. B. No. 161-REPRESENTATIVE Seitz.

To amend section 2305.19 of the Revised Code to modify the period within which a plaintiff may commence a new action after the reversal of a judgment for the plaintiff or the plaintiff's failure otherwise than upon the merits.

H. B. No. 162-REPRESENTATIVES Webster, Setzer, Cates, Calvert, Hughes, DeWine, Brinkman, Koziura, Hollister, Hoops, Schmidt, McGregor, Widener, Allen, Flowers, Grendell, Schneider, Widowfield, Aslanides, G. Smith, J. Stewart, Schaffer, Husted, Reinhard, Jolivette, Raga, Peterson, Niehaus, Faber, Clancy, Taylor, Reidelbach, Buehrer, Carmichael, Daniels, Gibbs, Hagan, Schlichter, Walcher, Young, Fessler.

To enact section 3345.51 of the Revised Code to require that if a state university provides students with a financial transaction device issued through the university, the university must make the opportunity to participate in the program available to private vendors.

Said bills were considered the first time.

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

Representative Chandler submitted the following report:

The standing committee on Economic Development and Technology to which was referred **Am. S. J. R. No. 1-SENATOR** Austria, et al., having had the same under consideration, reports it back and recommends its passage.

RE: CA - SCIENCE. TECHNOLOGY R & D - FINANCE

Representative Collier moved to amend the title as follows:

Add the names: "C. Evans, Aslanides, Brown, Chandler, Distel, Gibbs, Hagan, Harwood, Perry, Schaffer, Schlichter, J. Stewart, Walcher, Wolpert."

JEANINE PERRY
FRED STRAHORN
KATHLEEN CHANDLER
JIM ASLANIDES
BOB GIBBS
BARBARA A. SYKES

MARY TAYLOR
LARRY PRICE
TIMOTHY O. SCHAFFER
KATHLEEN WALCHER
DAVID DANIELS
JOHN P. HAGAN

JOHN SCHLICHTER
 STEVE REINHARD
 EDNA BROWN
 MICHAEL J. SKINDELL
 CLYDE EVANS
 JIMMY STEWART

LARRY L. WOLPERT
 L. GEORGE DISTEL
 SANDRA STABILE HARWOOD
 THOM COLLIER
 MIKE GILB

MOTIONS AND RESOLUTIONS

Representative Cates moved that the following House resolution be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

H. R. No. 54-Speaker Householder.

RELATIVE TO THE ELECTION OF EARL MARTIN

The motion was agreed to.

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

H. R. No. 54-Speaker Householder.

Relative to the election of Earl Martin to fill the vacancy in the membership of the House of Representatives created by the resignation of Jeffrey H. Manning of the 57th House District.

WHEREAS, Section 11 of Article II, Ohio Constitution provides for the filling of a vacancy in the membership of the House of Representatives by election by the members of the House of Representatives who are affiliated with the same political party as the person last elected to the seat which has become vacant; and

WHEREAS, Jeffrey H. Manning of the 57th House District has resigned as a member of the House of Representatives of the 125th General Assembly effective March 4, 2003, thus creating a vacancy in the House of Representatives; therefore be it

RESOLVED, By the members of the House of Representatives who are affiliated with the Republican party that Earl Martin, Republican, having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the House of Representatives from the 57th House District, is hereby elected, effective April 8, 2003, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the House of Representatives from the 57th House District, to fill the vacancy created by the unexpired portion of the term of said Jeffrey H. Manning, ending on December 31, 2004; and be it further

RESOLVED, That a copy of this resolution be spread upon the pages of the Journal of the House of Representatives together with the yeas and nays of the members of the House of Representatives shall certify the resolution and vote on its adoption to the Secretary of State.

The question being, "Shall the resolution be adopted?"

The yeas and nays were taken and resulted - yeas 61, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Brinkman	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	Olman	T. Patton	Peterson
Raga	Rausen	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seitz	Setzer	G. Smith	J. Stewart
Taylor	Trakas	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Williams	Wolpert	Young
			Householder-61.

The resolution was adopted.

State of Ohio

County of Franklin

I, Earl Martin, do solemnly swear to support the Constitution of the United States and the Constitution of the State of Ohio, and faithfully to discharge and perform all duties incumbent upon me as a member of The Ohio House of Representatives, according to the best of my ability and understanding; and this I do as I shall answer unto God.

/S/ EARL MARTIN
EARL MARTIN

Sworn to and subscribed before me of this 8th day of April, 2003

/S/ LARRY HOUSEHOLDER
LARRY HOUSEHOLDER
Speaker
Ohio House of Representatives

Representative Cates moved that House Rule No. 65 be suspended and that S. J. R. No. 1 be brought up for consideration the third time.

The motion was agreed to without objection.

Am. S. J. R. No. 1-Representatives C. Evans, Aslanides, Brown, Chandler, Distel, Gibbs, Hagan, Harwood, Perry, Schaffer, Schlichter, J. Stewart,

Walcher, Wolpert. -Senators Austria, Carnes, Amstutz, Harris, Jacobson, Mumper, Dann, Goodman, Stivers, Prentiss.

Proposing to enact Section 2p of Article VIII of the Constitution of the State of Ohio relating to science and technology based research and development purposes, including authorizing the issuance of general obligations of the state to pay costs related to those purposes, was taken up for consideration the third time.

Representative Raussen moved to amend the title as follows:

Add the names: "Allen, Carmichael, Collier, DeBose, DePiero, DeWine, Flowers, Hughes, Husted, Martin, McGregor, Miller, Olman, Otterman, S. Patton, T. Patton, Raussen, Redfern, Reidelbach, Schmidt, Seitz, Setzer, G. Smith, Taylor, Trakas, Widowfield."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

The yeas and nays were taken and resulted - yeas 92, nays 6, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Bocchieri	Book	Brown	Callender
Calvert	Carano	Carmichael	Cates
Chandler	Clancy	Collier	Core
Daniels	DeBose	DePiero	DeWine
Distel	Domenick	Driehaus	C. Evans
D. Evans	Faber	Flowers	Gibbs
Gilb	Hagan	Hartnett	Harwood
Hoops	Hughes	Husted	Jerse
Jolivette	Kearns	Key	Kilbane
Koziura	Latta	Martin	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-92.

Representatives Blasdel, Brinkman, Buehrer, Fessler, Grendell, and Hollister voted in the negative-6.

The joint resolution was adopted.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 51-Representatives Hughes, Willamowski, Oelslager, Harwood.

To amend sections 2106.01, 2106.02, 2107.19, 2109.301, 2109.32, 2113.53, 2117.06, 2117.07, 2117.11, 2117.12, and 5731.21 and to enact section 2101.163 of the Revised Code relative to the election by a surviving spouse, notice of admission of a will to probate, accounts of administrators and executors, distribution of estate assets, presentation of creditors' claims to distributees, dispute resolution procedures in probate court, time for presenting claims against an estate, and elimination of the duty to file an estate tax return in specified circumstances, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 98, 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
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
Martin	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-98.

The bill passed.

Representative Hughes moved to amend the title as follows:

Add the names: "Book, Brown, Carmichael, C. Evans, Fessler, Flowers, Gilb, Hartnett, Latta, Martin, McGregor, T. Patton, Perry, Reidelbach, Schmidt, Skindell, S. Smith, D. Stewart, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Am. H. B. No. 82-Representatives DePiero, Boccieri, Price, Kearns, Carano, Hughes, Harwood, Distel, Setzer, Cirelli, Wolpert, Hollister, Miller, Young, Barrett, Oelslager, Seaver, Perry, Strahorn, S. Smith, C. Evans, Willamowski, Allen, Seitz, Sferra, D. Evans, DeBose, Brown, Skindell.

To amend section 2313.16 of the Revised Code to permit a person who is 75 years of age or older to be excused from jury duty, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 95, nays 3, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Boccieri	Book	Brinkman
Brown	Buehrer	Calvert	Carano
Carmichael	Cates	Chandler	Clancy
Collier	Core	Daniels	DeBose
DePiero	DeWine	Distel	Domenick
Driehaus	C. Evans	D. Evans	Faber
Fessler	Flowers	Gibbs	Gilb
Hagan	Hartnett	Harwood	Hollister
Hoops	Hughes	Husted	Jerse
Jolivette	Kearns	Key	Kilbane
Koziura	Latta	Martin	Mason
McGregor	Miller	Niehaus	Oelslager
Olman	Otterman	S. Patton	T. Patton
Perry	Peterson	Price	Raga
Rausen	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-95.

Representatives Callender, Grendell, and Redfern voted in the negative-3.

The bill passed.

Representative DePiero moved to amend the title as follows:

Add the names: "Beatty, Book, Chandler, Clancy, Collier, Core, Daniels, Driehaus, Flowers, Gibbs, Hagan, Hoops, Jerse, Jolivette, Key, Martin, Mason, Niehaus, S. Patton, Reidelbach, Schlichter, Schmidt, Schneider, D. Stewart, J. Stewart, Sykes, Taylor, Ujvagi, Wilson, Woodard, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

MESSAGE FROM THE SPEAKER

Pursuant to section 4(A), Am. Sub. S. B. No. 281, 124th General Assembly, I hereby appoint the following public members to the Ohio Medical Malpractice Commission:

Mr. D. Brent Mulgrew, Dr. William Kose, and Mr. Frank Pandora II.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 3113.215(G), I hereby remove Representative Raga and appoint Representative Reidelbach to the Ohio Child Support Guideline Advisory Council.

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

Representative Trakas 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 Woodard submitted the following report:

The standing committee on Finance and Appropriations to which was referred **Sub. H. B. No. 95**-Representative Calvert, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: MAIN OPERATING BUDGET FY 2004-2005

CHARLES CALVERT	MERLE GRACE KEARNS
JAMES M. HOOPS	JIMMY STEWART
JON A. HUSTED	JIM HUGHES
STEPHEN BUEHRER	THOMAS F. PATTON
SHAWN N. WEBSTER	LARRY L. FLOWERS
TOM RAGA	KEVIN DEWINE
PATRICIA M. CLANCY	DAVID R. EVANS
JEAN SCHMIDT	JON M. PETERSON
JAMES PETER TRAKAS	TONY CORE

The following members voted "NO"

MARY TAYLOR	JOYCE BEATTY
TIMOTHY J. GRENDALL	SYLVESTER D. PATTON
KEITH L. FABER	FRED STRAHORN
DALE MILLER	WILLIAM J. HARTNETT
CHARLES A. WILSON	CLAUDETTE J. WOODARD

EDWARD JERSE
DIXIE J. ALLEN

CATHERINE L. BARRETT
PETER UJVAGI

The report was agreed to.

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

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that Senate has concurred in the passage of the following bill:

Sub. H. B. No. 91 - Representatives Young, Core, Grendell, Calvert, Beatty, Buehrer. Senators Nein, White, Harris.

To amend sections 2305.24, 2305.25, 4121.121, 4121.44, 4123.01, 4123.31, 4123.342, and 4123.80 and to enact sections 4121.021 and 4123.15 of the Revised Code to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2003, and ending June 30, 2005, to authorize and provide conditions that govern the operation of Bureau and Industrial Commission programs, and to authorize an exemption from participation in the workers' compensation insurance program for certain employers and employees based upon religious tenets or beliefs.

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:

Am. H. B. No. 92 - Representatives Young, Core, Grendell, Hoops, Calvert, Willamowski. Senators Nein, Harris.

To make appropriations for the Industrial Commission for the biennium beginning July 1, 2003, and ending June 30, 2005, and to provide authorization and conditions for the operation of Commission programs.

With the following additional amendments in which the concurrence of

the House is requested:

Between lines 34 and 35, insert:

"Section _____. On July 1, 2003, or as soon as possible thereafter, the Chairperson of the Industrial Commission shall certify to the Director of Budget and Management the amount of cash balance to be transferred from the Workers' Compensation Fund (Fund 023) to the Industrial Commission Operating Fund (Fund 5W3) The Director shall transfer the amount. Within thirty days after the effective date of this section, the Chairperson of the Industrial Commission shall certify the final transfer amount to the Director of Budget and Management. The Director shall transfer the cash from Fund 023 to Fund 5W3.

On July 1, 2003, or as soon as possible thereafter, the Director of Budget and Management shall transfer cash in an amount equal to the amount of existing encumbrances in Fund 023, appropriation items 845-321, Operating Expenses; 845-402, Rent - William Green Building; and 845-410, Attorney General Payments, from Fund 023 to Fund 5W3. The encumbrances shall be cancelled and re-established against appropriation items 845-321, Operating Expenses; 845-402, Rent - William Green Building; and 845-410, Attorney General Payments, under Fund 5W3, respectively. The amounts of the re-established encumbrances are hereby appropriated."

Attest:

MATTHEW T. SCHULER,
Clerk.

The Senate amendments were concurred in.

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. 26 - Representatives Raga, Schneider, Willamowski, Widowfield, Oelslager, Driehaus, Harwood, Schmidt. Senators Blessing, Wachtmann, Schuler.

To amend sections 2151.07, 2301.02, and 2301.03 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 and 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.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

MATTHEW T. SCHULER,
Clerk.

The Senate amendments were concurred in.

On motion of Representative Trakas, the House adjourned until Wednesday, April 9, 2003 at 1:30 o'clock p.m.

Attest:

LAURA P. CLEMENS,
Clerk.