

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

THURSDAY, APRIL 29, 2004

ONE HUNDRED SEVENTY-SECOND DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Thursday, April 29, 2004 at 9:00 o'clock a.m.**

The House met pursuant to adjournment.

Pursuant to House Rule No. 21, the Clerk called the House to order.

Representative Gibbs was selected to preside under the Rule.

The journal of the previous legislative day was read and approved.

### INTRODUCTION OF BILLS

The following bill was introduced:

**H. B. No. 478**-Representatives Setzer, Webster, Seitz, Young, Reinhard, Seaver, Kearns, Widowfield, C. Evans, Faber, Carano, Brinkman.

To amend section 4139.03 of the Revised Code to allow apprenticeship program sponsors who are not governed by collective bargaining agreements to select the ratio of apprentices to journeypersons established by certain state or federal agencies.

Said bill was considered the first time.

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

Representative Distel submitted the following report:

The standing committee on Agriculture and Natural Resources to which was referred **H. B. No. 414**-Representative Core, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: AGRICULTURAL SECURITY AREAS

Representative Aslanides moved to amend the title as follows:

Add the names: "Aslanides, Gibbs, Carmichael, Distel, Domenick, C. Evans, Faber, Niehaus, Reinhard, Schlichter."

CLYDE EVANS  
JIM CARMICHAEL  
STEVE L. DRIEHAUS  
JOHN DOMENICK  
KATHLEEN WALCHER  
KEITH L. FABER  
ARLENE J. SETZER  
JIM ASLANIDES

BOB GIBBS  
TOM NIEHAUS  
DERRICK SEAVER  
TODD BOOK  
JEFF WAGNER  
STEVE REINHARD  
CHRIS WIDENER  
JEANINE PERRY

JOHN SCHLICHTER

L. GEORGE DISTEL

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. 422**-Representative Carano, et al., having had the same under consideration, reports it back and recommends its passage.

RE: COLLEGES AND UNIVERSITIES CREATE LIQUOR PERMIT

JON M. PETERSON  
STEPHEN BUEHRER  
DAN STEWART  
ANNIE L. KEY  
KEVIN DEWINE  
LARRY L. FLOWERS

JAMES PETER TRAKAS  
EDNA BROWN  
SYLVESTER D. PATTON  
PATRICIA M. CLANCY  
JIM CARMICHAEL

The following member voted "NO"

GARY W. CATES

The report was agreed to.

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

Representative Woodard submitted the following report:

The standing committee on Finance and Appropriations to which was referred **H. B. No. 362**-Representative Hoops, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SCHOOLS CONTINUOUSLY PERMANENR IMPROVEMENT  
LEVIES-NAMING

Representative Calvert moved to amend the title as follows:

Add the names: "Allen, Calvert, C. Evans, D. Evans, Flowers, Hartnett, Jerse, Martin, Miller, T. Patton, Peterson, Schmidt, Strahorn."

CHARLES CALVERT  
DAVID R. EVANS  
TOM RAGA  
DALE MILLER  
THOMAS F. PATTON  
LARRY L. FLOWERS  
WILLIAM J. HARTNETT  
EDWARD JERSE  
JON M. PETERSON

JAMES M. HOOPS  
SHAWN N. WEBSTER  
JEAN SCHMIDT  
EARL MARTIN  
FRED STRAHORN  
DIXIE J. ALLEN  
JOHN SCHLICHTER  
CHARLES A. WILSON  
JIMMY STEWART

MERLE GRACE KEARNS

JOYCE BEATTY

The report was agreed to.

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

Representative Woodard submitted the following report:

The standing committee on Finance and Appropriations to which was referred **H. B. No. 393**-Representative Harwood, et al., having had the same under consideration, reports it back and recommends its passage.

RE: ARTS/SPORTS COMMISSION - FINANCE MOTORSPORTS COMPLEXES

Representative Calvert moved to amend the title as follows:

Add the names: "Core, Hughes, Miller, Webster, Wilson."

JAMES M. HOOPS  
DAVID R. EVANS  
TOM RAGA  
EARL MARTIN  
THOMAS F. PATTON  
KEVIN DEWINE  
LARRY L. FLOWERS  
JON M. PETERSON  
DIXIE J. ALLEN  
JOHN SCHLICHTER  
WILLIAM J. HARTNETT  
MERLE GRACE KEARNS  
JOYCE BEATTY  
TONY CORE

CHARLES CALVERT  
SHAWN N. WEBSTER  
JEAN SCHMIDT  
DALE MILLER  
CATHERINE L. BARRETT  
MICHELLE G. SCHNEIDER  
EDWARD JERSE  
JIM HUGHES  
KEITH L. FABER  
CHARLES A. WILSON  
JIMMY STEWART  
FRED STRAHORN  
PETER UJVAGI

The report was agreed to.

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

Representative Woodard submitted the following report:

The standing committee on Finance and Appropriations to which was referred **H. B. No. 427**-Representative Martin, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: ENTERPRISE ZONES - LENGTHEN TAX EXEMPTION PERIOD

Representative Calvert moved to amend the title as follows:

Add the names: "Calvert, Hoops, C. Evans, D. Evans, Faber, Flowers, Hughes, T. Patton, Schmidt, Schneider, Trakas."

CHARLES CALVERT  
DAVID R. EVANS

JAMES M. HOOPS  
SHAWN N. WEBSTER

TOM RAGA	EARL MARTIN
JON A. HUSTED	MERLE GRACE KEARNS
JEAN SCHMIDT	JIMMY STEWART
THOMAS F. PATTON	KEVIN DEWINE
LARRY L. FLOWERS	MICHELLE G. SCHNEIDER
JON M. PETERSON	JOHN SCHLICHTER
CHARLES A. WILSON	JAMES PETER TRAKAS
CLYDE EVANS	KEITH L. FABER
CATHERINE L. BARRETT	DIXIE J. ALLEN
JOYCE BEATTY	JIM HUGHES
WILLIAM J. HARTNETT	TONY CORE

The following members voted "NO"

CLAUDETTE J. WOODARD	FRED STRAHORN
PETER UJVAGI	DALE MILLER
EDWARD JERSE	

The report was agreed to.

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

Representative Woodard submitted the following report:

The standing committee on Finance and Appropriations to which was referred **H. B. No. 434**-Representative Calvert, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: TABACCO APPROPRIATIONS

Representative Calvert moved to amend the title as follows:

Add the names: "Allen, Barrett, Beatty, D. Evans, Flowers, Hartnett, Hughes, Miller, T. Patton, Schneider, J. Stewart, Strahorn."

CHARLES CALVERT	JAMES M. HOOPS
MICHELLE G. SCHNEIDER	JON A. HUSTED
DAVID R. EVANS	JOYCE BEATTY
JEAN SCHMIDT	MERLE GRACE KEARNS
JOHN SCHLICHTER	SHAWN N. WEBSTER
TOM RAGA	JAMES PETER TRAKAS
JIM HUGHES	KEITH L. FABER
FRED STRAHORN	EDWARD JERSE
CHARLES A. WILSON	JON M. PETERSON
CATHERINE L. BARRETT	EARL MARTIN
JIMMY STEWART	DALE MILLER
DIXIE J. ALLEN	THOMAS F. PATTON
CLAUDETTE J. WOODARD	PETER UJVAGI
WILLIAM J. HARTNETT	LARRY L. FLOWERS
TONY CORE	KEVIN DEWINE

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

**Sub. S. B. No. 66** - Senators Schuring, Stivers, Jacobson, Dann, Fedor, Miller, Brady, Armbruster, Carey, Mumper, Prentiss, Roberts, Spada, Zurz

To amend sections 2151.421, 3109.17, and 3109.18 and to enact sections 2151.425, 2151.426, 2151.427, 2151.428, and 3109.171 of the Revised Code to permit counties to establish Children's Advocacy Centers to perform and provide certain functions, activities, and services that are agreed upon with the public children services agency, relative to reports of child sexual abuse or other types of abuse of a child over which the document creating the center gives it jurisdiction and the children who are the subjects of the report; to require the Children's Trust Fund Board to develop and provide to certain entities and persons a list of funding sources for establishing or operating a Children's Advocacy Center; to permit child abuse and child neglect prevention advisory boards to use up to \$5,000 per county out of Children's Trust Fund Board funds as one-time, start-up costs for a Children's Advocacy Center; and to provide the Children's Trust Fund Board with more authority and flexibility to approve, revise, or deny a child abuse and child neglect prevention advisory board's local plan.

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 concurred in the passage of the following bill:

**Sub. H. B. No. 52** - Representatives Hughes, Latta, Gilb, Grendell, DePiero, Seaver, Redfern, Young, Willamowski, D. Evans, Barrett, Brown, Buehrer, Carano, Carmichael, Chandler, Cirelli, DeGeeter, DeWine, Distel, Domenick, Driehaus, C. Evans, Flowers, Hagan, Hartnett, Husted, Jolivette, McGregor, Oelslager, Olman, Otterman, T. Patton, Perry, Reidelbach,

Schaffer, Schlichter, Schmidt, Sferra, Skindell, D. Stewart, Walcher, Widener, Wilson, Wolpert, Woodard. Senators Goodman, Dann, Zurz, Austria, Robert Gardner, Harris, Miller

To amend sections 2152.02, 2152.17, 2152.20, 2152.21, 2903.06, 2903.08, 2923.162, 2929.01, 2929.13, 2929.14, 2929.18, 2929.21, 2929.28, 4510.021, 4510.12, 4510.15, 4510.16, 4510.54, 4511.01, 4511.251, 4511.98, and 5501.27 and to enact sections 2903.081, 2941.1413, and 2941.1414 of the Revised Code to expand the offenses of aggravated vehicular homicide, vehicular homicide, and vehicular assault to also prohibit causing death or serious physical harm as a proximate result of committing a reckless operation or speeding violation in a construction zone when the victim is any person in the construction zone and notice of the prohibitions was posted; to impose a five-year mandatory prison term for a conviction of aggravated vehicular homicide and a peace officer victim specification; to impose a three-year mandatory prison term for a conviction of aggravated vehicular homicide and a specification of three or more OVI-related violations; to increase the penalty for discharging a firearm upon or over a public road or highway and link the amount of the increase to the injury caused, or risk of injury created, by the offense; to limit the use of restitution as a sanction for misdemeanor offenders and delinquent children and change the terminology used regarding the court's imposition of a restitution sanction; to revise the effect of a restitution sanction for a misdemeanor; to revise the definition of "economic loss" that applies to the Delinquent Child Law and the Criminal Sentencing Law; to eliminate the application of the overriding purposes of misdemeanor sentencing to certain misdemeanor offenses; to correct errors in and otherwise modify certain provisions that contain some of the Ohio Criminal Sentencing Commission's traffic law and misdemeanor sentencing law revisions; and to declare an emergency.

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 concurred in the passage of the following bill:

**Am. Sub. H. B. No. 117** - Representatives Widowfield, Husted, Hollister, McGregor, Kearns, Seitz, White, Gilb, Allen, Schmidt, Schneider, Brown,

Perry, Cirelli, Reidelbach, Price, Hagan, Flowers, Otterman, Aslanides, Barrett, Beatty, Boccieri, Carano, Carmichael, Clancy, Collier, Daniels, DeBose, Distel, C. Evans, Hartnett, Harwood, Hoops, Hughes, Jerse, Jolivette, Key, Martin, Niehaus, T. Patton, Raussen, Reinhard, Schlichter, Setzer, Sferra, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Taylor, Ujvagi, Wagner, Walcher, Widener, Williams, Wilson, Wolpert, Woodard, Yates.  
Senators Wachtmann, Brady, DiDonato, Fedor, Robert Gardner, Prentiss, Roberts

To amend sections 109.572, 2151.86, 5103.02, 5103.03, 5103.031, 5103.032, 5103.033, 5103.035, 5103.037, 5103.038, 5103.039, 5103.0311, 5103.0316, 5103.0317, 5120.65, and 5153.60 and to repeal section 5103.0310 of the Revised Code and to repeal Section 160 of Am. Sub. H.B. 95 of the 125th General Assembly to revise foster caregiver training requirements, add additional offenses to those that disqualify a person as a person responsible for a child's care in out-of-home care or prospective adoptive parent, permit the Department of Job and Family Services to seek injunctive relief in certain circumstances, and eliminate the duty of the Legislative Office of Education Oversight to review certain types of Head Start agreements.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested:

In line 11 of the title, delete "permit foster"

Delete line 12 of the title

In line 13 of the title, delete "arranging adoptions,"

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 concurred in the passage of the following bill:

**Sub. H. B. No. 278** - Representatives Niehaus, Reidelbach, Seitz, Webster, Gibbs, Husted, Peterson, Hoops, Carmichael, Blasdel, T. Patton, D. Evans, McGregor, Gilb, DeWine, Setzer, Willamowski, Raga, Schaffer, Book, Widowfield, Hollister, Callender, Cates, Flowers, Hagan, Walcher, Wolpert.  
Senators Mumper, Harris, Nein, White, Amstutz, Wachtmann, Austria, Padgett

To amend sections 303.211, 519.211, 1509.02, 1509.03, 1509.06, 1509.23, 1509.31, and 1510.11 and to repeal section 1509.39 of the Revised Code to declare that the Division of Mineral Resources Management in the Department of Natural Resources has exclusive authority to regulate the permitting, location, and spacing of oil and gas wells in the state, and to revise the laws governing the drilling of oil and gas and the oil and natural gas marketing program.

Attest:

Matthew T. Schuler,  
Clerk.

#### CLERK'S NOTATION

This is to acknowledge receipt from the Supreme Court of Ohio, on April 28, 2004, revisions to the proposed amendments to the Rules of Civil Procedure, Rules of Juvenile Procedure, and Rules of Criminal Procedure.

On motion of Representative J. Stewart, the House adjourned until Tuesday, May 4, 2004 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.