

OHIO

House

of

Representatives

JOURNAL

TUESDAY, MAY 6, 2003

FORTY-SIXTH DAY

Hall of the House of Representatives, Columbus, Ohio
Tuesday, May 6, 2003, 11:00 o'clock a.m.

The House met pursuant to adjournment.

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

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 171-REPRESENTATIVES S. Smith, Key, Allen, S. Patton, Miller, Skindell, Sykes, Beatty, Strahorn, Barrett, Woodard, Price, Ujvagi.

To amend section 3701.241 and to enact section 3701.2411 of the Revised Code to create the Minority HIV and AIDS Task Force, to require the Department of Health to develop and implement a statewide HIV and AIDS prevention campaign directed toward at risk members of minority groups, and to make an appropriation.

H. B. No. 172-REPRESENTATIVES S. Smith, S. Patton, Redfern, Miller, Skindell, Sykes, Boccieri, Beatty, Driehaus, Yates, Strahorn, Barrett, Woodard, Price, Seaver, Brown, Brinkman, Kearns, Raga, Schneider, Seitz, Willamowski.

To create a Capital Case Commission to study the imposition and administration of capital punishment in Ohio and to make recommendations for improving Ohio's procedures in capital cases and its capital sentencing procedures.

H. B. No. 173-REPRESENTATIVE Oelslager.

To amend sections 2329.66, 3334.01, 3334.02, 3334.03, 3334.06, 3334.07, 3334.08, 3334.09, 3334.10, 3334.11, 3334.12, 3334.15, 3334.16, 3334.17, 3334.18, 3334.19, 3334.20, 5111.015, 5115.061, 5747.01, and 5747.70 of the Revised Code to modify the Ohio Tuition Trust Authority Law with respect to the administration of the CollegeAdvantage savings plan.

H. B. No. 174-REPRESENTATIVES Core, Gibbs, McGregor, Chandler, Fessler, Seitz, Miller, Grendell, Jolivette, Allen, Koziura, Harwood, Domenick, Carano, Ujvagi, Niehaus, S. Smith, Seaver.

To amend section 1541.22 and to enact section 4503.573 of the Revised Code to create Ohio State Parks license plates.

Said bills were considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **H. B. No. 24-REPRESENTATIVE** Wolpert, et al. were taken up for 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, Cates, Hughes, Kearns, Schneider, D. Stewart, J. Stewart. -SENATORS Stivers, Mumper, Robert Gardner, Goodman, Jacobson, Harris, Miller, Austria, Randy Gardner, Amstutz.

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.

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

Representative Cates moved that the Senate amendments to **Sub. H. B. No. 24-REPRESENTATIVE** Wolpert, et al. , be informally passed and retain their place on the calendar.

The motion was agreed to.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

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

H.B. No. 153 - Representatives Harwood, et al

TO EXPAND "HARASSMENT BY AN INMATE" TO APPLY TO ALL PERSONS AND RENAME THE EXPANDED OFFENSE "HARASSMENT WITH A BODILY SUBSTANCE"; TO DESIGNATE THE EXPANDED OFFENSE A SEXUALLY ORIENTED OFFENSE WHEN THE OFFENSE INVOLVES SEMEN; TO INCLUDE THE EXPANDED OFFENSE WHEN IT INVOLVES SEMEN WITHIN THE LAWS DEALING WITH CRIMINAL RECORDS CHECKS FOR CERTAIN APPLICANTS, PLACEMENT OF CHILDREN WITH PARENTS WHO COMMIT CERTAIN OFFENSES, DNA SPECIMENS OF OFFENDERS, CHILD VICTIM TESTIMONY, CRIMINAL CHILD ENTICEMENT AND SEXUAL IMPOSITION PENALTIES, VENEREAL DISEASE AND HIV TESTING OF OFFENDERS, COMMUNICABLE DISEASE NOTIFICATION OF

CERTAIN VICTIMS, PRISON TERMS FOR CERTAIN FIFTH DEGREE FELONIES, WARRANTLESS ARRESTS, PERMANENT EXCLUSION FROM PUBLIC SCHOOL ATTENDANCE, AND FOSTER CAREGIVERS' NOTICE OF A CHILD BEING FOUND DELINQUENT; AND TO AMEND THE VERSIONS OF SECTIONS 2929.13, 2935.03, AND 2950.01 OF THE REVISED CODE THAT ARE SCHEDULED TO TAKE EFFECT JANUARY 1, 2004, TO CONTINUE THE PROVISIONS OF THIS ACT ON AND AFTER THAT EFFECTIVE DATE

To the committee on Criminal Justice

H.B. No. 154 - Representative Redfern

TO REDUCE FROM 100,000 TO 20,000 THE MINIMUM POPULATION OF A MUNICIPAL CORPORATION REQUIRED FOR ISSUANCE OF A D-5J LIQUOR PERMIT TO A PREMISES LOCATED WITHIN A COMMUNITY ENTERTAINMENT DISTRICT LOCATED IN THAT MUNICIPAL CORPORATION

To the committee on State Government

H.B. No. 155 - Representative Brinkman

TO REMOVE ANY REQUIREMENT UNDER THE PUBLIC EMPLOYEES COLLECTIVE BARGAINING LAW THAT PUBLIC EMPLOYEES JOIN OR PAY DUES TO ANY EMPLOYEE ORGANIZATION, TO EXPAND THE SCOPE OF UNFAIR LABOR PRACTICES UNDER THAT LAW, TO MAKE OTHER CHANGES IN THE PUBLIC EMPLOYEES COLLECTIVE BARGAINING LAW, TO PROHIBIT ANY REQUIREMENT THAT EMPLOYEES OF PRIVATE EMPLOYERS JOIN OR PAY DUES TO ANY EMPLOYEE ORGANIZATION AND TO REQUIRE PUBLIC AND PRIVATE EMPLOYERS TO POST NOTICES TO THAT EFFECT, TO PROHIBIT CERTAIN ACTIONS BY PRIVATE EMPLOYERS RELATIVE TO EMPLOYEE ORGANIZATION MEMBERSHIP, AND TO ESTABLISH CIVIL AND CRIMINAL PENALTIES AGAINST PRIVATE EMPLOYERS WHO VIOLATE THOSE PROHIBITIONS

To the committee on Commerce and Labor

H.B. No. 156 - Representatives Willamowski, et al

TO MAKE CHANGES TO THE STATE DENTAL BOARD, TO ESTABLISH THE DENTIST LOAN REPAYMENT PROGRAM, AND TO MAKE OTHER CHANGES TO THE LAWS GOVERNING DENTISTRY IN OHIO AND TO AMEND THE VERSION OF SECTION 2305.234 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

To the committee on Health

H.B. No. 157 - Representatives Seaver, et al

TO CREATE 4-H LICENSE PLATES AND THE 4-H LICENSE PLATE FUND AND TO PROVIDE THAT MONEY IN THE FUND BE USED TO PAY FOR THE EDUCATIONAL ACTIVITIES OF THE 4-H YOUTH DEVELOPMENT PROGRAM OF THE OHIO STATE UNIVERSITY

EXTENSION PROGRAM

To the committee on Transportation and Public Safety

H.B. No. 158 - Representatives Jolivette, et al

TO INCREASE THE PENALTIES FOR CERTAIN CONTROLLED SUBSTANCE AND DRUG OFFENSES COMMITTED WITHIN A FEDERALLY RECOGNIZED "WEED AND SEED SITE" AND TO AMEND THE VERSIONS OF SECTIONS 2925.01, 2925.02, 2925.03, 2925.04, 2925.36, AND 2925.37 OF THE REVISED CODE THAT ARE SCHEDULED TO TAKE EFFECT JANUARY 1, 2004, TO CONTINUE THE PROVISIONS OF THIS ACT ON AND AFTER THAT EFFECTIVE DATE

To the committee on Criminal Justice

H.B. No. 159 - Representatives Hagan, et al

TO ADD ONE ADDITIONAL JUDGE FOR THE FIFTH DISTRICT COURT OF APPEALS

To the committee on Judiciary

H.B. No. 160 - Representatives Beatty, et al

TO REQUIRE THAT EVERY HIGH SCHOOL INCLUDE IN THE REQUIREMENTS FOR GRADUATION INSTRUCTION IN PERSONAL ECONOMICS

To the committee on Education

H.B. No. 161 - Representative Seitz

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

To the committee on Judiciary

H.B. No. 162 - Representatives Webster, et al

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

To the committee on Education

H.B. No. 163 - Representatives Oelslager, et al

TO PROVIDE AN ADDITIONAL PRISON TERM OR TERM OF IMPRISONMENT FOR CERTAIN REPEAT OMVI OR OMVUAC OFFENDERS AND TO MAINTAIN THE PROVISIONS OF THIS ACT ON AND AFTER JANUARY 1, 2004, BY AMENDING THE VERSIONS OF SECTIONS 2929.01, 2929.13, AND 4511.19 OF THE REVISED CODE THAT TAKE EFFECT ON THAT DATE

To the committee on Criminal Justice

H.B. No. 164 - Representatives Setzer, et al

TO PERMIT THE RESIGNING OF AN ELECTION PETITION AFTER THE ELECTOR'S SIGNATURE IS STRICKEN AND TO INCREASE THE NUMBER OF SIGNATURES NEEDED ON A MUNICIPAL REFERENDUM PETITION

To the committee on State Government

H.B. No. 165 - Representatives Distel, et al

TO REQUIRE COMPETITIVE BIDDING OF CONTRACTS FOR APPRAISERS EMPLOYED FOR THE COUNTY AUDITOR'S REAL ESTATE APPRAISALS AND TO REQUIRE THE COUNTY AUDITOR TO PUBLISH A NEWSPAPER NOTICE BEFORE REAL PROPERTY APPRAISALS ARE PERFORMED

To the committee on County and Township Government

H.B. No. 166 - Representatives Miller, et al

TO CREATE THE RX PROGRAM

To the committee on Health

H.B. No. 167 - Representatives Koziura, et al

TO DIRECT THE OHIO BOARD OF REGENTS TO ADOPT RULES REQUIRING STATE UNIVERSITIES TO GUARANTEE THAT A FULL-TIME UNDERGRADUATE STUDENT WITH A DECLARED MAJOR FIELD OF STUDY CAN COMPLETE THE COURSEWORK FOR THAT PROGRAM OF STUDY IN A SPECIFIED TIME PERIOD

To the committee on Education

H.B. No. 168 - Representatives Trakas, et al

TO ESTABLISH PROCEDURES FOR SUSPENDING THE INVESTMENT AND PORTFOLIO MANAGEMENT AUTHORITY OF A COUNTY TREASURER WHO FAILS TO MEET THE CONTINUING EDUCATION REQUIREMENTS AND TRANSFER THIS AUTHORITY TO A COUNTY'S INVESTMENT ADVISORY COMMITTEE, TO MODIFY THE INVESTMENT AUTHORITY OF COUNTY TREASURERS, SPECIFY WHEN PENALTIES MAY BE IMPOSED ON PROPERTY SUBJECT TO DELINQUENT TAX CONTRACTS, MODIFY PROCEDURES FOR THE SALE AND REDEMPTION OF TAX CERTIFICATES, PROHIBIT CERTAIN CONTACTS BETWEEN TAX CERTIFICATE HOLDERS AND PROPERTY OWNERS, AND MAKE OTHER CHANGES RELATED TO THE ADMINISTRATION OF LAWS RELATING TO REAL PROPERTY, PUBLIC UTILITY PROPERTY, AND MANUFACTURED HOME TAXES

To the committee on Banking, Pensions, and Securities

H.B. No. 169 - Representative Young, et al

TO GENERALLY AUTHORIZE ANY PERSON TO OWN, POSSESS, PURCHASE, OTHERWISE ACQUIRE, TRANSPORT, CARRY, SELL, OR OTHERWISE TRANSFER A FIREARM, A COMPONENT OF A FIREARM, OR AMMUNITION FOR A FIREARM

To the committee on Civil and Commercial Law

H.B. No. 170 - Representative Callender, Oelslager

TO PROHIBIT THE INCLUSION OF AN INDIVIDUAL'S SOCIAL SECURITY NUMBER ON ANY DOCUMENT THAT IS PREPARED FOR RECORDING IN THE OFFICE OF A COUNTY RECORDER

To the committee on County and Township Government

Sub. S.B. No. 4 - Senator Spada, et al

TO IMPLEMENT THE RECOMMENDATIONS OF THE MR/DD VICTIMS OF CRIME TASK FORCE, TO MAKE RELATED CHANGES IN THE LAW, AND TO PROVIDE A MECHANISM FOR THE CLOSING OF DEVELOPMENTAL CENTERS OF THE DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES THAT INVOLVES INDEPENDENT STUDIES AND PUBLIC HEARINGS, AND TO AMEND THE VERSION OF SECTION 5123.50 OF THE REVISED CODE THAT IS SCHEDULED TO TAKE EFFECT DECEMBER 31, 2003, TO CONTINUE THE PROVISIONS OF THIS ACT ON AND AFTER THAT EFFECTIVE DATE

To the committee on Juvenile and Family Law

Sub. S.B. No. 11 - Senators Goodman, et al

TO ENACT SECTIONS 2953.71 TO 2953.83 OF THE REVISED CODE TO ESTABLISH A MECHANISM AND PROCEDURES FOR THE DNA TESTING OF CERTAIN INMATES SERVING A PRISON TERM FOR A FELONY OR UNDER A SENTENCE OF DEATH

To the committee on Criminal Justice

Sub. S.B. No. 47 - Senators Stivers, et al

TO EXTEND THE TIME WITHIN WHICH MEMBERS OF THE NATIONAL GUARD AND RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES WHO HAVE BEEN CALLED TO ACTIVE DUTY MUST PAY REAL PROPERTY AND MANUFACTURED HOME TAXES, AND TO DECLARE AN EMERGENCY

To the committee on Ways and Means

Sub. S.B. No. 50 - Senator Schuring, et al

TO ENHANCE THE PENALTY FOR DOMESTIC VIOLENCE FOR CERTAIN REPEAT OFFENDERS, TO EXPAND THE AUTHORITY FOR THE ISSUANCE OF A CRIMINAL DOMESTIC VIOLENCE TEMPORARY PROTECTION ORDER, TO MAKE OTHER CHANGES REGARDING CRIMINAL DOMESTIC VIOLENCE TEMPORARY PROTECTION ORDERS AND VICTIMS' BILL OF RIGHTS, AND TO ENHANCE THE PENALTY FOR VIOLATING A PROTECTION ORDER WHILE COMMITTING A FELONY OFFENSE

To the committee on Criminal Justice

Sub. S.B. No. 57 - Senators Jacobson, et al

TO INCREASE THE PENALTY UNDER SPECIFIED CIRCUMSTANCES FOR FAILURE TO DISPERSE AND MISCONDUCT AT AN EMERGENCY AND TO CLARIFY THE REQUIRED PROOF FOR THE OFFENSES OF RIOT AND AGGRAVATED RIOT

To the committee on Criminal Justice

LARRY HOUSEHOLDER
GARY W. CATES
CHARLES CALVERT
JIM CARMICHAEL
PATRICIA M. CLANCY
LARRY L. FLOWERS
JIM HUGHES
THOMAS F. PATTON
JON M. PETERSON

JOHN SCHLICHTER
JAMES PETER TRAKAS
CHRIS REDFERN
DIXIE J. ALLEN
JOYCE BEATTY
KENNETH A. CARANO
STEVE L. DRIEHAUS
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 all House Bills 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 Bills 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 Concurrent Resolutions and House Resolution be introduced and referred to the following committees for consideration:

H. Con. R. No. 14 - Representatives Setzer, Brown, Perry, Webster, Calvert, Grendell, White, Domenick, Carano, T. Patton, Latta, DeWine, Kearns, Fessler, Husted, Otterman, Widener, Beatty, Faber, Allen, Harwood, Schmidt, Walcher, Buehrer

TO PROCLAIM MAY 24 OF EACH YEAR "AVIATION MAINTENANCE TECHNICIAN APPRECIATION DAY."

To the committee on State Government

H. Con. R. No. 15 - Representatives Redfern, DeBose, Woodard, Sykes, Beatty, Miller, Price, Key, Koziura, Olman, McGregor, Distel, Perry, Barrett, Hoops, D. Evans, S. Smith, Strahorn, Otterman, Ujvagi, S. Patton, Chandler, Domenick, Williams, Allen

TO URGE THE INTERNATIONAL JOINT COMMISSION TO MAINTAIN ITS VIGILANCE IN OPPOSING DIVERSION OF GREAT LAKES WATERS AND TO SUPPORT THE PROMPT RESOLUTION OF ALL ISSUES RELATED TO THE FINALIZATION OF ANNEX 2001

To the committee on Agriculture and Natural Resources

H.R. No. 69 - Representatives Trakas, Jerse, C. Evans, Cates, Price,

Bocchieri, Miller, Brinkman, Setzer, Latta, D. Evans

TO MEMORIALIZE MEMBERS OF THE UNITED STATES SENATE TO RATIFY THE TREATY THAT ADMITS THE REPUBLICS OF SLOVENIA, BULGARIA, ESTONIA, LATVIA, LITHUANIA, ROMANIA, AND SLOVAKIA INTO THE NORTH ATLANTIC TREATY ORGANIZATION

To the committee on State Government

LARRY HOUSEHOLDER,
Chair.

Representative Cates moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be introduced and referred as recommended.

The motion was agreed to.

Said resolutions were introduced and referred as recommended.

H.R. No. 53 - Representative Peterson

HONORING THE OHIO WESLEYAN UNIVERSITY WOMEN'S SOCCER TEAM AS THE 2002 NCAA DIVISION III CHAMPION

Add the names: "Cates, Hughes, T. Patton, Allen, Beatty"

H.R. No. 55 - Representative Redfern, Wagner

HONORING JD BERGMAN AS A 2003 DIVISION II STATE WRESTLING CHAMPION

Add the names: "Cates, T. Patton, Allen"

H.R. No. 56 - Representative Redfern

HONORING THE ST. MARY CENTRAL CATHOLIC HIGH SCHOOL WRESTLING TEAM AS THE 2003 DIVISION III STATE CHAMPION

Add the names: "Cates, T. Patton, Allen"

H.R. No. 59 - Representative Fessler

HONORING DON JENKINS AS OHIO MUSIC EDUCATOR OF THE YEAR

Add the names: "Cates, T. Patton, Allen"

H.R. No. 61 - Representatives Wolpert, G. Smith

HONORING THE HILLIARD DAVIDSON GIRLS CROSS COUNTRY TEAM AS THE 2002 DIVISION I STATE CHAMPION

Add the names: "Cates, Flowers, Hughes, T. Patton, Allen, Beatty"

H.R. No. 62 - Representatives Wolpert, G. Smith

HONORING THE HILLIARD DAVIDSON BOYS CROSS COUNTY TEAM AS THE 2002 DIVISION I STATE CHAMPION

Add the names: "Cates, Flowers, Hughes, T. Patton, Allen"

H.R. No. 63 - Representative Sykes

HONORING THE AKRON ST. VINCENT MARY HIGH SCHOOL BOYS BASKETBALL TEAM AS THE 2003 DIVISION II STATE CHAMPION
Add the names: "Carmichael, Cates, T. Patton, Allen, Beatty, Carano, Otterman"

H.R. No. 64 - Representative Clancy

HONORING KIMBERLY THEISS ON WINNING THE 2002 DAN ROSSI MEMORIAL

Add the names: "Cates, T. Patton, Allen, Driehaus" **H.R. No. 65 - Representative Gilb**

HONORING BEN MAUK AS THE 2002 OHIO "MR. FOOTBALL"

Add the names: "Cates, Hughes, T. Patton, Schlichter, Allen"

H.R. No. 66 - Representative Gilb

HONORING KENTON HIGH SCHOOL FOOTBALL TEAM AS THE 2002 DIVISION IV STATE CHAMPION

Add the names: "Cates, T. Patton, Allen, Carano"

H.R. No. 67 - Representative Raussen

HONORING THE READING HIGH SCHOOL BOYS BASKETBALL TEAM AS THE 2003 DIVISION III STATE CHAMPION

Add the names: "Cates, Clancy, T. Patton, Allen, Carano, Driehaus" **H.R. No. 71 - Representative Hughes**

HONORING DUBLIN SCIOTO HIGH SCHOOL CHEERLEADING SQUAD AS 2003 AMERICHEER OPEN NATIONAL CHEERLEADING AND DANCE TEAM CHAMPION

Add the names: "Cates, Flowers, T. Patton, Peterson, Allen, Beatty"

H. Con. R. No. 16 - Representative Wolpert

RECOGNIZING NEUROFIBROMATOSIS AWARENESS MONTH, MAY 2003

LARRY HOUSEHOLDER,
Chair.

Representative Cates moved that rules and reference committee report on resolutions be agreed to and that the resolutions contained therein be approved.

The motion was agreed to.

On motion of Representative Cates, the House adjourned until Wednesday, May 7, 2003 at 1:30 o'clock p.m.

Attest:

LAURA P. CLEMENS,
Clerk.