

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

WEDNESDAY, MAY 7, 2003

## FOURTY-SEVENTH DAY

Hall of the House of Representatives, Columbus, Ohio  
Wednesday, May 7, 2003 at 1:30 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Deacon Ken Harmon of the Georgetown Baptist Church in Georgetown, 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:

Carmen Rothchild received H. R. No. 39, presented by Representative Collier-90th district.

Eric Pfeifer, a guest of Representative Flowers-19th district.

Melissa Day, a guest of Representative Wolpert-23rd district.

Students of the Holy Trinity School, guests of Speaker Householder-91st district.

Nancy Harmon, a guest of Representative Niehaus-88th district.

Martin Frantz, a guest of Representative Carmichael-3rd district.

Mary Lynn Armstrong, sister-in-law and Carolyn Carmichael, wife, Representative Carmichael-3rd district.

Deanne Lowe and Rick Zumpano, guests of Representative Domenick-95th district and Representative Wilson-96th district.

Mayor Don Robart, a guest of Representative Widowfield-42nd district.

Students of the Zahns Middle School, guests of Representative Daniels-86th district.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 175-REPRESENTATIVES** Buehrer, Widener, Olman, D. Evans.

To amend sections 307.37, 307.38, 307.381, 307.40, 505.73, 505.75, 505.77, 715.27, 3703.01, 3722.02, 3722.041, 3781.01, 3781.03, 3781.031, 3781.06, 3781.10, 3781.102, 3781.11, 3781.12, 3781.13, 3781.18, 3781.183, 3781.99, 3791.04, 3791.99, 4703.18, 4733.18, 4740.01, 4740.02, 4740.04, 4740.05, 4740.06, 4740.10, 4740.12, 4740.13, 4740.14, 4929.03, and 4929.04, to enact sections 1312.01 to 1312.05, and to repeal sections 3781.181, 3781.182, 3781.21, and 4933.31 of the Revised Code to require statewide

licensing of residential contractors, to establish a statewide uniform building code for residential buildings, to establish a process for granting variances from the statewide uniform residential building code, and to make other changes in the laws governing residential contractors and residential construction.

**H. B. No. 176**-REPRESENTATIVES Hoops, Aslanides, Seitz, Husted, Hollister, Schmidt, Wolpert, C. Evans, Collier, Latta, Webster, Perry, Allen, DePiero.

To amend section 145.38 of the Revised Code concerning the deadline for an elected official seeking re-election to file a notice of intent to retire and continue in public office.

**H. B. No. 177**-REPRESENTATIVES Skindell, Miller.

To amend sections 124.381 and 4123.68 of the Revised Code to grant specified employees certain benefits if they suffer an adverse medical condition as a result of receiving a smallpox vaccination as part of homeland security measures.

**H. B. No. 178**-REPRESENTATIVES Skindell, Cirelli, Miller, Ujvagi, Allen, Price, Key, D. Stewart, Woodard, Perry, Mason.

To enact section 4905.88 of the Revised Code to establish an annual renewable energy requirement for electric utilities and electric services companies that provide retail electric generation service in Ohio and to authorize the Public Utilities Commission to establish a system of renewable energy credits.

Said bills were considered the first time.

### CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. 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?"

The yeas and nays were taken and resulted - yeas 83, nays 16, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Brown	Buehrer	Callender
Calvert	Carano	Carmichael	Cates
Chandler	Cirelli	Clancy	Collier
Core	Daniels	DeBose	DeWine
Evans C.	Evans D.	Faber	Fessler
Flowers	Gibbs	Gilb	Hagan
Hartnett	Harwood	Hollister	Hoops
Householder	Hughes	Husted	Jerse
Jolivette	Kearns	Kilbane	Koziura
Latta	Martin	McGregor	Miller
Niehaus	Oelsluger	Olman	Otterman
Patton T.	Perry	Peterson	Price
Raga	Reidelbach	Reinhard	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Sferra	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Taylor	Trakas	Ujvagi	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Woodard	Yates		Young-83.

Those who voted in the negative were: Representatives

Boccieri	Book	Brinkman	DePiero
Distel	Domenick	Driehaus	Grendell
Key	Mason	Patton S.	Rausen
Redfern	Schmidt	Skindell	Wilson-16.

The Senate amendments were concurred in.

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

Representative D. Stewart submitted the following report:

The standing committee on State Government to which was referred **H. B. No. 114**-REPRESENTATIVE Flowers, et al., having had the same under consideration, reports it back and recommends its passage.

RE: POLITICAL SUBDIVISION EMPLOYEES - LIVE ANYWHERE

JIM HUGHES

JIM CARMICHAEL

JAMES PETER TRAKAS  
 DEAN E. DEPIERO  
 STEVE REINHARD  
 DAN STEWART  
 JON M. PETERSON

GARY W. CATES  
 PATRICIA M. CLANCY  
 LARRY L. FLOWERS  
 JOHN A. BOCCIERI

The following members voted "NO"

SYLVESTER D. PATTON                      ANNIE L. KEY

The report was agreed to.

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

Representative Chandler submitted the following report:

The standing committee on County and Township Government to which was referred **H. B. No. 62-REPRESENTATIVE** Blasdel, having had the same under consideration, reports it back and recommends its passage.

RE: COUNTY ENGINEER - TAX SALES - DISCRETIONARY SURVEY

DANIEL J. SFERRA  
 LARRY L. FLOWERS  
 KATHLEEN CHANDLER  
 MICHAEL J. SKINDELL  
 LARRY L. WOLPERT  
 JIM MCGREGOR  
 JEFF WAGNER  
 DIANA M. FESSLER  
 CLYDE EVANS

LYNN E. OLMAN  
 MARY M. CIRELLI  
 LARRY PRICE  
 JOHN WIDOWFIELD  
 DAVID DANIELS  
 KATHLEEN WALCHER  
 JOHN DOMENICK  
 PETER UJVAGI

The report was agreed to.

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

### MOTIONS AND RESOLUTIONS

Representative Wilson reported for the Rules and Reference Committee recommending that the following House Resolution be read and approved:

**H. R. No. 39 - Representative Collier, Speaker Householder, Representatives Allen, Aslanides, Barrett, Beatty, Blasdel, Boccieri, Book, Brinkman, Brown, Buehrer, Callender, Calvert, Carano, Carmichael, Cates, Chandler, Cirelli, Clancy, 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.**

IN MEMORY OF WILLIAM CROOKS

LARRY HOUSEHOLDER,  
Chair.

Representative Cates moved that the Rules and Reference Committee Report on resolutions be agreed to and that the following resolution be brought up for immediate adoption, read in full, and spread upon the pages of the journal:

**H. R. No. 39** - Representative Collier, et al.  
IN MEMORY OF WILLIAM CROOKS

The motion was agreed to.

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

**H. R. No. 39** -REPRESENTATIVE Collier SPEAKER Householder REPRESENTATIVES Allen, Aslanides, Barrett, Beatty, Blasdel, Boccieri, Book, Brinkman, Brown, Buehrer, Callender, Calvert, Carano, Carmichael, Cates, Chandler, Cirelli, Clancy, 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, Jolivet, Kearns, Key, Kilbane, Koziura, Latta, Mason, McGregor, Miller, Neihaus, Oelslager, Olman, Otterman, S. Patton, T. Patton, Perry, Peterson, Price, Raga, Raussen, Redfern, Reidelbach, Reinhard, Schaffer, Schlichter, Schmidt, Schneider, Seaver, Seitz, Setzer, Sferra, Skindell, Taylor, Trakas, S. Smith, D. Stewart, J. Stewart, Strahorn, Sykes, Taylor, Trakas, Ujvagi, Wagner, Walcher, Webster, White, Widener, Widowfield, Willamowski, Williams, Wilson, Wolpert, Woodard, Yates, Young.

*In memory of William Crooks.*

*WHEREAS, The members of the House of Representatives of the 125th General Assembly of Ohio were deeply saddened to learn of the death of William Crooks and extend our heartfelt condolences to his family and friends; and*

*WHEREAS, William Crooks left an indelible impression on the people whose lives he touched, and he will be remembered as a spirited individual who contributed immeasurably to the world around him. Enlisting in the U.S. Army Signal Corps as a mechanic in 1917, he received his pilot wings the*

*following year, flying during World War I, and he was inducted into the Frank P. Lahm Flight 9 Chapter of the Order of Daedalians, a fraternity of military pilots, in 2001. Becoming head engineer with Cooper-Bessemer, he received thirty patents before his retirement in 1961, and he then worked for the National Science Foundation on its development of the Inter-Continental Anti-Ballistic Missile Program. At the age of one hundred nine, he had been the oldest living military aviator; and*

*WHEREAS, William Crooks regard for improving the quality of life in our society was clearly evident in his personal sacrifices of time and effort to family, friends, and community. Giving generously of his energy and abilities in all of his endeavors, he displayed exceptional concern and insight, and his absence will be keenly felt; and*

*WHEREAS, In his various roles as a family man, veteran, engineer, and member of the community, William Crooks always used his talents to the benefit of others, and the laurels of his life stand as a tribute not only to him, but also to those he left behind. Although the void which his death has created can never be filled, the legacy of care and commitment which he established will surely live on. The world is a richer place for his having been in it, and he will be truly missed; therefore be it*

*RESOLVED, That we, the members of the House of Representatives of the 125th General Assembly of Ohio, in adopting this Resolution, wish to express a profound sense of loss and sincere regret at the death of William Crooks and, in so doing, pay tribute to the memory of a truly unique individual; and be it further*

*RESOLVED, That the Clerk of the House of Representatives transmit a duly authenticated copy of this Resolution to the family of William Crooks.*

The resolution was adopted.

Representative Trakas moved that majority party members asking leave to be absent or absent the week of Wednesday, May 7, 2003, 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 Wednesday, May 7, 2003, 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. 39**-Representatives Carmichael, Schmidt, Blasdel, Gibbs, Webster, D. Evans, Husted, Widowfield, Latta, DePiero, Fessler, DeBose, Schaffer, Willamowski, Grendell, Redfern, Allen, Seaver, Oelslager, Collier.

To amend sections 109.42, 2950.01, 2950.02, 2950.03, 2950.04, 2950.07,

2950.09, 2950.10, 2950.11, and 2950.13 of the Revised Code to require an offender who is convicted of or pleads guilty to rape that is not the rape of a child under thirteen years of age to comply with the Sex Offender Notification and Registration Law for twenty years and to automatically subject the offender to that Law's victim and community notification provisions, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Carmichael moved to amend as follows:

In line 195, strike through "division" and insert "divisions"

In line 1054, strike through "sections" and insert "section"

In line 1987, after "(C)" insert "of this section"

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 99, 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
Cirelli	Clancy	Collier	Core
Daniels	DeBose	DePiero	DeWine
Distel	Domenick	Driehaus	Evans C.
Evans D.	Faber	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Hartnett	Harwood	Hollister	Hoops
Householder	Hughes	Husted	Jerse
Jolivette	Kearns	Key	Kilbane
Koziura	Latta	Martin	Mason
McGregor	Miller	Niehaus	Oelslager
Olman	Otterman	Patton S.	Patton T.
Perry	Peterson	Price	Raga
Raussen	Redfern	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seaver	Seitz	Setzer	Sferra
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Taylor
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Williams	Wilson	Wolpert
Woodard	Yates		Young-99.

The bill passed.

Representative Carmichael moved to amend the title as follows:



Add the names: "Aslanides, Barrett, Beatty, Boccieri, Book, Brown, Buehrer, Calvert, Carano, Cates, Chandler, Cirelli, Clancy, Daniels, Distel, Driehaus, Flowers, Gilb, Hagan, Hartnett, Harwood, Hollister, Hoops, Hughes, Jerse, Jolivette, Key, Martin, Mason, McGregor, Niehaus, Olman, Otterman, T. Patton, Perry, Raga, Raussen, Reidelbach, Reinhard, Schlichter, Schneider, Setzer, Sferra, G. Smith, S. Smith, D. Stewart, Strahorn, Taylor, Ujvagi, Wagner, Walcher, Widener, Wilson, Wolpert, Woodard."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. B. No. 108**-Representatives Driehaus, Seitz, Redfern, Kearns, Hartnett, Skindell, Niehaus, Distel, Olman, Yates, S. Smith, Schneider, DePiero, Webster, Allen, DeBose, Harwood, Barrett, Raussen, Perry, Cirelli, Raga, Jerse, Domenick, Wilson, Hagan, Mason, Key.

To amend section 169.03 of the Revised Code to require that notice of unclaimed funds be mailed to owners by holders of the funds either by regular or certified mail depending upon the value of the funds and to authorize charges for certain mailings of notices, 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 2, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Boccieri	Book	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Core	Daniels
DeBose	DePiero	DeWine	Distel
Domenick	Driehaus	Evans C.	Evans D.
Faber	Fessler	Flowers	Gibbs
Gilb	Hagan	Hartnett	Harwood
Hollister	Hoops	Householder	Hughes
Husted	Jerse	Jolivette	Kearns
Key	Kilbane	Koziura	Latta
Martin	Mason	McGregor	Miller
Niehaus	Oelslager	Olman	Otterman
Patton S.	Patton T.	Perry	Peterson
Price	Raga	Raussen	Redfern
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seaver	Seitz
Setzer	Sferra	Skindell	Smith G.
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Taylor	Trakas	Ujvagi
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wilson	Wolpert	Woodard	Yates
			Young-97.

Representatives Brinkman and Grendell voted in the negative-2.

The bill passed.

Representative Driehaus moved to amend the title as follows:

Add the names: "Book, Brown, Carano, Chandler, Collier, Daniels, Fessler, Flowers, Hollister, Hughes, Miller, Otterman, T. Patton, Price, Reidelbach, Schmidt, Seaver, Sferra, D. Stewart, J. Stewart, Strahorn, Widowfield, Woodard."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 8**-Senators Austria, Amstutz, Jacobson, Spada, Harris, Mumper, Randy Gardner, Prentiss, Miller, DiDonato, Fedor, Stivers, Herington, Goodman, Carey, Roberts, Brady, Schuring, Armbruster, Schuler, Coughlin, Carnes, Dann, Fingerhut, Hagan, Robert Gardner, Mallory, Nein.  
-Representatives Willamowski, Widowfield, DePiero.

To amend section 2903.211 of the Revised Code to expand menacing by stalking to prohibit the posting of a computer-related message with intent to urge or incite a person to illegally stalk another, to specifically include electronic communication and telecommunication as a pattern of conduct under the crime, and to clarify the nature of the mental distress that constitutes an element of the crime, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 99, 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
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	Martin	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  
Williams  
Yates

Widener  
Wilson  
Young

Widowfield  
Wolpert

Willamowski  
Woodard  
Householder-99.

The bill passed.

Representative Willamowski moved to amend the title as follows:

Add the names: "Allen, Aslanides, Barrett, Beatty, Boccieri, Brown, Carmichael, Cates, Chandler, Cirelli, Clancy, Daniels, DeBose, Distel, Domenick, C. Evans, D. Evans, Fessler, Flowers, Gibbs, Gilb, Grendell, Hagan, Hartnett, Harwood, Hughes, Kearns, Key, Kilbane, Koziura, Latta, Martin, Mason, McGregor, Niehaus, Otterman, S. Patton, T. Patton, Perry, Price, Raussen, Redfern, Reidelbach, Schaffer, Schlichter, Schmidt, Seaver, Sferra, S. Smith, D. Stewart, J. Stewart, Sykes, Taylor, Ujvagi, Widener, Wolpert, Woodard, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Cates, the House adjourned until Thursday, May 8, 2003, 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.