

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, MAY 14, 2003

FIFTIETH DAY

Hall of the House of Representatives, Columbus, Ohio
Wednesday, May 14, 2003 at 1:30 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Father Rob Haven of the St. Luke's Episcopal Church in Granville, Ohio, followed by the Pledge of Allegian, 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:

The Beavercreek Girls Basketball Team received H.R. No. 52, presented by Representative DeWine-70th district.

The Chaminade-Julienne High School Girls Basketball Team received H.R. No. 72, presented by Representative Allen-39th district.

Graduate students of The University of Akron, guests of Representative Taylor-43rd district.

Kelly Peed, a guest of Representative Kearns-72nd district.

Students of Northridge Elementary School, guests of Representative Seaver-78th district.

Leadership Medina County, guests of Representative Calvert-69th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 184-Representatives Schmidt, McGregor, Aslanides, Schaffer, Schneider, Raussen, Gilb.

To amend section 2929.03 of the Revised Code to permit the imposition of a sentence of life imprisonment without parole, life imprisonment with parole eligibility after serving 25 full years of imprisonment, or life imprisonment with parole eligibility after serving 30 full years of imprisonment when an offender is convicted of or pleads guilty to aggravated murder and is not charged with or convicted of an aggravating circumstance.

H. B. No. 185-Representatives Schmidt, Allen, Setzer, Seitz, Aslanides, C. Evans, Olman, Schneider, Schaffer, Raga, Webster, Buehrer, Skindell.

To amend sections 124.84, 124.841, and 505.60 of the Revised Code to permit the state and political subdivisions to pay some or all of the premium for their employees' long-term care insurance.

H. B. No. 186-Representatives Gibbs, Seitz, Gilb, Schaffer, Williams, T. Patton, Setzer, Webster, Seaver, Brinkman, Key, Reidelbach, C. Evans, Raussen, Peterson, Walcher, Young, Wagner, Taylor, Schlichter, Daniels, Grendell, Blasdel.

To amend section 4511.21 of the Revised Code to increase from 55 to 65 miles per hour the speed at which motor vehicles weighing more than 8,000 pounds when empty and noncommercial buses are permitted to travel on certain freeways in this state.

H. B. No. 187-Representative T. Patton.

To amend sections 742.3711 and 742.3717 of the Revised Code to increase the cost of living allowance for certain Ohio Police and Fire Pension Fund members to \$540 per year.

H. B. No. 188-Representatives Reidelbach, Hughes, C. Evans, Brinkman, Olman, Schaffer, Schmidt, McGregor, Wolpert, Fessler, Seitz, Setzer, Clancy, Gilb.

To amend sections 101.82, 4759.01, 4759.02, 4759.05, and 4759.07, to enact new section 4759.10, and to repeal section 4759.10 of the Revised Code to eliminate the authority of the Ohio Board of Dietetics to investigate and seek injunctions against persons not licensed by the Board and to require the Board to be reviewed by the Sunset Review Committee.

H. B. No. 189-Representative Blasdel.

To amend section 3727.06 of the Revised Code to allow podiatrists to make independent hospital admissions.

H. B. No. 190-Representatives Trakas, McGregor, Fessler, Hagan, Widowfield, Seaver, DePiero, Aslanides, Schaffer, Olman, Redfern, Schmidt, Otterman, Webster, Ujvagi.

To amend section 2971.03 of the Revised Code to increase the mandatory minimum term under the Sexually Violent Predator Sentencing Law for kidnapping with a sexual motivation specification and a sexually violent predator specification or rape with a sexually violent predator specification.

H. B. No. 191-Representatives Trakas, S. Smith, Domenick, S. Patton.

To enact section 4113.75 of the Revised Code to prohibit geographic noncompete requirements in a contract for employment in the broadcasting industry.

Said bills were considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 81**-Representative Core, et al. were taken up for consideration.

Sub. H. B. No. 81-REPRESENTATIVES Core, S. Patton, Flowers, Schmidt, Walcher SENATOR Mumper.

To amend section 1724.02 of the Revised Code to include in the powers of a community improvement corporation the power to serve as an agent for grant applications and for the administration of grants.

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

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	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	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Husted	Jerse	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	Widener
Widowfield	Willamowski	Williams	Wilson
Wolpert	Woodard	Yates	Young
			Householder-97.

The Senate amendments were concurred in.

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. 143**-Representative Aslanides, et al., having had the same under consideration, reports back as a substitute bill and recommends its passage.

RE: SEED LABELING AND SALE - REVISE LAW

RE: SEED LABELING AND SALE - REVISE LAW

Representative Aslanides moved to amend the title as follows:

Add the names: "Setzer, Carmichael, Seaver, Domenick, Niehaus, Faber, Walcher."

L. GEORGE DISTEL
ARLENE J. SETZER
TOM NIEHAUS
STEVE REINHARD
KEITH L. FABER
JIM CARMICHAEL
DERRICK SEAVER
CHRIS WIDENER
BOB GIBBS
JIM ASLANIDES

JOHN SCHLICHTER
JOHN A. BOCCIERI
TODD BOOK
STEVE L. DRIEHAUS
JEFF WAGNER
KATHLEEN WALCHER
JEANINE PERRY
CLYDE EVANS
JOHN DOMENICK

The report was agreed to.

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

Representative Distel submitted the following report:

The standing committee on Agriculture and Development Subcommittee to which was referred **Sub. H. B. No. 152**-Representative Reinhard, et al., having had the same under consideration, reports back as a substitute bill and recommends its passage.

RE: ANIMAL FEEDING FACILITIES - REVISE LAW

Representative Aslanides moved to amend the title as follows:

Add the names: "Setzer, Niehaus, Gibbs, Distel, C. Evans, Schlichter, Faber, Carmichael, Widener, Walcher."

L. GEORGE DISTEL
ARLENE J. SETZER
KEITH L. FABER
TOM NIEHAUS
DERRICK SEAVER
JIM CARMICHAEL
STEVE REINHARD
CHRIS WIDENER
BOB GIBBS

JIM ASLANIDES
JOHN SCHLICHTER
JOHN A. BOCCIERI
TODD BOOK
JEFF WAGNER
KATHLEEN WALCHER
JEANINE PERRY
CLYDE EVANS
JOHN DOMENICK

The following member voted "NO"

STEVE L. DRIEHAUS

The report was agreed to.

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

Representative Book submitted the following report:

The standing committee on Civil and Commercial Law to which was referred **H. B. No. 135**-Representative Willamowski, having had the same under consideration, reports back as a substitute bill and recommends its passage.

RE: CONDOMINIUM ACT REVISIONS

Representative Seitz moved to amend the title as follows:

Add the names: "Seitz, Latta, Beatty, Book, Harwood, Schlichter, Mason."

WILLIAM J. SEITZ

JOHN SCHLICHTER

ROBERT E. LATTA

JOHN R. WILLAMOWSKI

TODD BOOK

JOYCE BEATTY

SANDRA STABILE HARWOOD

LANCE T. MASON

TONY CORE

The report was agreed to.

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

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. 175 - Representative Buehrer, et al

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

To the committee on Homeland Security, Engineering, and Architectural Design

H.B. No. 176 - Representative Hoops, et al

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

To the committee on State Government

H.B. No. 177 - Representatives Skindell, Miller

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

To the committee on Health

H.B. No. 178 - Representative Skindell, et al

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

To the committee on Public Utilities

H.B. No. 179 - Representative Wolpert, et al

TO REQUIRE A SUSPENSION OF THE DRIVER'S LICENSE OF A PERSON WHO CAUSES A MOTOR VEHICLE TO LEAVE THE PREMISES OF A RETAIL GASOLINE ESTABLISHMENT WITHOUT FULL PAYMENT FOR GASOLINE DISPENSED INTO THE MOTOR VEHICLES'S FUEL TANK OR ANOTHER CONTAINER AND TO DECLARE THAT THOSE SECTIONS IN THE REVISED CODE THAT REGULATE THEFT OF GASOLINE IN CERTAIN CIRCUMSTANCES ARE GENERAL LAWS

To the committee on Civil and Commercial Law

H.B. No. 180 - Representative Wolpert, et al

TO PERMIT A TOWNSHIP TO PROHIBIT THE DISCHARGE OF A FIREARM IN DESIGNATED DISTRICTS IN THE UNINCORPORATED AREA OF THE TOWNSHIP

To the committee on Civil and Commercial Law

H.B. No. 181 - Representative Schaffer, et al

TO PERMIT THE GOVERNOR TO SUSPEND FROM OFFICE IN ACCORDANCE WITH A SPECIFIED PROCEDURE ANY ELECTED LOCAL GOVERNMENT OFFICIAL CHARGED WITH A FELONY RELATED TO THE OFFICIAL'S ADMINISTRATION OF, OR CONDUCT IN THE PERFORMANCE OF THE DUTIES OF, THE OFFICE AND TO PROHIBIT A PERSON WHO IS CONVICTED OF CERTAIN THEFT OFFENSES, OR ANY OTHER FELONY OR RECENT MISDEMEANOR INVOLVING FRAUD, DECEIT, OR THEFT, FROM HOLDING A PUBLIC OFFICE OR POSITION OF PUBLIC EMPLOYMENT, OR SERVING IN CERTAIN UNPAID VOLUNTEER POSITIONS, THAT INVOLVE SUBSTANTIAL MANAGEMENT OR CONTROL OF CERTAIN PUBLIC OR PRIVATE PROPERTY

To the committee on State Government

Am. Sub. S.B. No. 28 - Senator Spada, et al

TO ESTABLISH CERTAIN RESTRICTIONS REGARDING TELEPHONE SOLICITATIONS, TO REQUIRE THE ATTORNEY GENERAL TO PROVIDE FOR A DO-NOT-CALL REGISTRY OF RESIDENTIAL TELEPHONE NUMBERS, AND TO PROVIDE CERTAIN REMEDIES AND PENALTIES FOR VIOLATIONS

To the committee on Civil and Commercial Law

Sub. S.B. No. 37 - Senator Blessing

TO CLARIFY WHO PAYS THE SALES OR USE TAX ON PACKAGING MATERIAL USED IN HIGHWAY TRANSPORTATION FOR HIRE AND TO CLARIFY WHEN THE TRANSFER OF MOTION PICTURE FILMS IS A SALE

To the committee on Ways and Means

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
DIXIE J. ALLEN
JOYCE BEATTY
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 the 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 Resolutions be read by title only and approved:

H. R. No. 76 - Representative Hughes.

RECOGNIZING SMALL BUSINESS WEEK

Add the names: "Cates, Calvert, Carmichael, Clancy, Flowers, T. Patton, Peterson, Schlichter, Trakas, Allen, Beatty, Driehaus, Otterman"

H. R. No. 77 - Representative Hughes.

RECOGNIZING NATIONAL POLICE WEEK, MAY 11-17, 2003

Add the names: "Cates, Calvert, Carmichael, Clancy, Flowers, T. Patton,

Peterson, Schlichter, Trakas, Allen, Beatty, Driehaus, Otterman."

GARY CATES,
Vice Chair.

Representative Cates moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be approved.

The motion was agreed to.

Representative Trakas moved that majority party members asking leave to be absent or absent the week of Wednesday, May 14, 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 14, 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

H. B. No. 62-Representative Blasdel.

To amend section 315.18 of the Revised Code to replace the mandatory duty of a county engineer to survey lands sold for taxes with discretionary authority to do so, 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	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	Hagan	Hartnett
Harwood	Hollister	Hoops	Householder
Hughes	Husted	Jerse	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.

The bill passed.

Representative Blasdel moved to amend the title as follows:

Add the names: "Barrett, Boccieri, Carano, Carmichael, Chandler, Clancy, Collier, Fessler, Flowers, Hoops, Hughes, Latta, McGregor, Otterman, S. Patton, T. Patton, Perry, Raussen, Reidelbach, Schlichter, Schmidt, Seitz, Setzer, Taylor, Wilson."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 97-Representatives Willamowski, Hagan, McGregor, Seitz, Calvert, Schmidt, Schaffer, Faber, Allen, White, Seaver, Ujvagi, Webster, Fessler, Callender, Buehrer, Wolpert, Olman, Widowfield, Daniels, Collier, Walcher, Domenick, Wagner, C. Evans, Schlichter, Chandler, Cirelli, Sferra, Price, Skindell.

To amend sections 133.09, 505.37, 505.50, and 5549.021, and to enact sections 505.267 and 4931.03 of the Revised Code to permit a board of township trustees and boards of trustees of a joint township police district, a township fire district, a joint fire district, or a fire and ambulance district to enter into lease or lease with an option to purchase agreements for real and personal property and to permit a telephone company to construct telegraph or telephone lines upon, along, and beneath the public roads, highways, and waters that are in the unincorporated area of a township, 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	Boccieri	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	Hagan	Hartnett
Harwood	Hollister	Hoops	Householder
Hughes	Husted	Jerse	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.

The bill passed.

Representative Willamowski moved to amend the title as follows:

Add the names: "Barrett, Beatty, Boccieri, Carano, Carmichael, Cates, Clancy, DeBose, Distel, Flowers, Gibbs, Hartnett, Harwood, Hughes, Key, Koziura, Latta, Martin, Niehaus, Oelslager, Otterman, S. Patton, T. Patton, Raga, Reidelbach, Schneider, Setzer, D. Stewart, J. Stewart, Strahorn, Taylor, Widener, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the House amendments to

Sub. S. B. No. 8 - Senator Austria, et al

Attest:

VINCENT L. KEERAN,
Assistant Clerk

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has

passed the following bills in which the concurrence of the House is requested.

Sub. S. B. No. 53 - Senators Goodman, Stivers, Jacobson, Randy Gardner, Dann, Herington, Austria, Blessing, Schuler, Spada, Harris

To amend sections 109.57 and 109.572 and to enact section 109.571 of the Revised Code to ratify the National Crime Prevention and Privacy Compact.

Sub. S. B. No. 55 - Senators Randy Gardner, Stivers, Miller, Mumper, Schuler, Prentiss, Mallory, Austria, Carey, Dann, Herington, Fedor, Coughlin, Hagan, Harris, Spada

To amend sections 9.833, 3375.40, 3375.41, and 5705.281 and to enact section 3375.392 of the Revised Code to make changes to the law authorizing political subdivisions to self-insure for health care benefits; to revise the bidding threshold for public improvements applicable to free public libraries; to eliminate restrictions on group life insurance coverage offered by free public libraries to their employees; to allow a board of library trustees to authorize its employees to use a credit card held by the library to pay for library business expenses; and to allow the county budget commission to waive certain requirements relating to tax budgets or estimates of contemplated revenue and expenditures in any county in which a single library receives all of the county library and local government support fund or receives all of that portion of the fund that is distributed to libraries.

Attest:

VINCENT L. KEERAN,
Assistant Clerk

Said bills were considered the first time.

MESSAGE FROM THE SPEAKER

Pursuant to House Rules 12, 27, and 29, I hereby appoint Representative Reinhard as the chair of Transportation and Public Safety.

MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 101.35, I hereby remove Representative Reinhard and appoint Representative Raussen to the Joint Committee on Agency Rules Review.

On motion of Representative Cates, the House adjourned until Thursday, May 15, 2003 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.