

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, MAY 20, 2003

## FIFTY-SECOND DAY

Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, May 20, 2003 at 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Wayne Mock of the New Richmond Church of Christ in New Richmond, Ohio, follow, 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:

The Marion Local High School boys and girls basketball teams received House Resolutions 82 and 83 respectively, presented by Representative Faber-77th district.

The Reading High School boys basketball team received H.R. No. 67, presented by Representative Raussen-28th district.

Jeremy Miller, a guest of Representative Redfern-80th district.

Gary Baalog, a guest of Representative Widener-84th district.

Joe Sullivan, a guest of Representative Widener-84th district.

Susan Loaper and students from Lexington Schools Gifted Services, guests of Representative Hartnett-73rd district and Representative Collier-90th district.

Darlene Evans and Lynese Evans Scott, guests of Representative Beatty-27th district.

Exchange students and host families of World Heritage, guests of Speaker Householder-91st district.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 193**-Representatives C. Evans, Book, Wagner, J. Stewart, Ujvagi, Kearns, Widener, Redfern, Perry, Schmidt, Barrett, Miller, Aslanides, Schaffer, Skindell, Yates, Strahorn, Faber, Allen, Beatty, Distel.

To require the Director of Job and Family Services to enter into agreements with entities eligible under the Workforce Investment Act to administer civilian conservation centers leased from the Department of Natural Resources, and to provide funding in fiscal year 2004 and fiscal year 2005 for such purposes.

**H. B. No. 194**-Representatives Schneider, Cates, Schmidt, Seitz.

To amend section 307.15 of the Revised Code to permit a board of county commissioners to enter into an agreement with a transportation improvement district for the county to exercise any power, or perform or render any function or service, for the district.

**H. B. No. 195**-Representatives Carano, Redfern, Allen, Otterman, Barrett, Cirelli, Beatty, Sferra, Key.

To amend section 955.99 and to enact sections 955.501 and 955.502 of the Revised Code to require certain persons who sell dogs not older than fifteen months of age to provide remedies to a buyer of a dog that exhibits a congenital defect or common hereditary disorder, dies from a congenital defect or common hereditary disorder, or is discovered to be of a different registration status with a pedigree organization than the seller represented.

**H. B. No. 196**-Representatives Carano, Redfern, Allen, Otterman, Miller, Cirelli, D. Stewart, Sferra, Strahorn, Ujvagi, DeBose, Boccieri.

To amend sections 5145.03, 5145.15, 5145.16, and 5145.161 of the Revised Code to eliminate the use of prison labor by public and private entities for employment in construction and in trade industries on jobs subject to competitive bidding requirements.

Said bills were considered the first time.

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

Representative Yates submitted the following report:

The standing committee on Ways and Means to which was referred **Am. H. B. No. 128**-Representative Schmidt, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

#### **RE: BOND REQUIREMENT AND ELECTRONIC TAX REMIT FOR CIGARETTE DEALERS**

Representative Kilbane moved to amend as follows:

In line 39, delete "shall" and insert "may".

In line 67, delete "is restored to" and insert "has been in"; after "good" insert "credit".

In line 68, after "standing" insert "with this state for at least five consecutive years".

Between lines 73 and 74, insert:

"As used in this section, "good credit standing with this state" means a wholesale of retail dealer is not in default on a bond required under this section and is not delinquent in the payment of any tax, interest, or penalty required to be paid by the dealer under this chapter."

After line 152, insert:

"Section 3. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to remedy unintended effects on the business practices of wholesalers resulting from prior legislation. Therefore, this act shall go into immediate effect."

In line 4 of the title, delete "and" and insert a comma.

In line 5 of the title, after "electronically" insert ", and to declare an emergency".

The motion was agreed to.

TYRONE K. YATES  
MARY TAYLOR  
TIMOTHY O. SCHAFFER  
TONY CORE  
ROBERT E. LATTA  
MIKE GILB  
THOM COLLIER  
JIM MCGREGOR

TOM NIEHAUS  
JIM RAUSSEN  
KENNETH A. CARANO  
MICHAEL J. SKINDELL  
WILLIAM J. HARTNETT  
BARBARA A. SYKES  
SALLY CONWAY KILBANE

The report was agreed to.

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

### **BILLS FOR THIRD CONSIDERATION**

**Sub. H. B. No. 23**-Representatives Wolpert, Fessler, Carano, McGregor, Perry, Husted, Calvert, Setzer, Flowers, J. Stewart, Seitz, D. Evans, Webster, Miller, Williams, Reidelbach, Ujvagi, Latta, Grendell, Distel, Widener, Boccieri, Kilbane.

To amend sections 4725.18 and 4733.11 of the Revised Code to permit the State Board of Optometry to license optometrists licensed by another state or a Canadian province regardless of whether the other state or province similarly licenses holders of Ohio licenses and to clarify education requirements in the engineers and surveyors licensing law, 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.
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.

The bill passed.

Representative Wolpert moved to amend the title as follows:

Add the names: "Allen, Beatty, Brown, Cirelli, Clancy, Daniels, DeBose, Domenick, C. Evans, Harwood, Hughes, Jolivette, Kearns, Oelslager, Otterman, S. Patton, T. Patton, Price, Schmidt, Schneider, D. Stewart, Strahorn, Taylor."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 152**-Representatives Reinhard, Aslanides, Setzer, Niehaus, Gibbs, Distel, C. Evans, Schlichter, Faber, Carmichael, Widener, Walcher.

To amend sections 307.204, 505.266, 903.01, 903.02, 903.04, 903.07, 903.08, 903.09, 903.10, 903.16, 903.20, 6111.03, 6111.04, and 6111.44 and to enact sections 903.081 and 903.082 of the Revised Code to revise the statutes governing animal feeding facilities, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Reinhard moved to amend as follows:

In line 315, delete "(4)Two" and insert "(4) Two".

In lines 357 and 358, delete " ninety nine " and insert " ninety-nine ".

In line 360, delete " ninety " and insert " ninety-nine ".

In line 361, delete " nine ".

In line 1379, after "established" insert " under ".

In line 1617, delete "united states" and insert "United States".

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 87, nays 10, 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	Evans C.	Faber
Fessler	Flowers	Gibbs	Gilb
Hagan	Hartnett	Harwood	Hollister
Hoops	Householder	Hughes	Husted
Jerse	Jolivette	Kearns	Key
Kilbane	Latta	Martin	McGregor
Niehaus	Oelslager	Olman	Otterman
Patton S.	Patton T.	Perry	Peterson
Raga	Rausen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	Smith G.	Stewart D.	Stewart J.
Strahorn	Taylor	Trakas	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wilson
Wolpert	Woodard		Young-87.

Those who voted in the negative were: Representatives

Driehaus	Koziura	Mason	Miller
Price	Skindell	Smith S.	Sykes
Ujvagi			Yates-10.

The bill passed.

Representative Reinhard moved to amend the title as follows:

Add the names: "Blasdel, Buehrer, Callender, Carano, Cates, Clancy, Collier, Core, Daniels, DeBose, DeWine, Fessler, Flowers, Hagan, Hartnett, Harwood, Hollister, Hoops, Hughes, Husted, Kearns, Key, McGregor, S. Patton, T. Patton, Peterson, Raga, Schmidt, Schneider, Seaver, Seitz, J. Stewart, Taylor, Webster, Wolpert."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

## MESSAGE FROM THE SPEAKER

Pursuant to Ohio Revised Code section 4981.02(A), the Speaker hereby appoints public member Daniel Roberts to the Ohio Rail Development Commissions.

On motion of Representative Cates, the House recessed.

The House met pursuant to recess.

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

**H. B. No. 184** - Representative Schmidt, et al.

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

To the committee on Criminal Justice.

**H. B. No. 185** - Representative Schmidt, et al.

TO PERMIT THE STATE AND POLITICAL SUBDIVISIONS TO PAY SOME OR ALL OF THE PREMIUM FOR THEIR EMPLOYEES' LONG-TERM CARE INSURANCE

To the committee on State Government.

**H. B. No. 186** - Representative Gibbs, et al.

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

To the committee on Transportation and Public Safety.

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

TO INCREASE THE COST OF LIVING ALLOWANCE FOR CERTAIN OHIO POLICE AND FIRE PENSION FUND MEMBERS TO \$540 PER

## YEAR

To the committee on Banking, Pensions, and Securities.

**H. B. No. 188** - Representative Reidelbach, et al.

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

To the committee on Commerce and Labor.

**H. B. No. 189** - Representative Blasdel.

TO ALLOW PODIATRISTS TO MAKE INDEPENDENT HOSPITAL ADMISSIONS

To the committee on Health.

**H. B. No. 190** - Representative Trakas, et al.

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

To the committee on Criminal Justice.

**H. B. No. 191** - Representative Trakas, et al.

TO PROHIBIT GEOGRAPHIC NONCOMPETE REQUIREMENTS IN A CONTRACT FOR EMPLOYMENT IN THE BROADCASTING INDUSTRY

To the committee on Commerce and Labor.

**H. B. No. 192** - Representative Wagner, et al.

TO PERMIT EACH COUNTY, JUVENILE, AND MUNICIPAL COURT, ONCE EACH FISCAL YEAR, TO TRANSFER UP TO ONE-HALF OF THE SURPLUS DECLARED IN THE INDIGENT DRIVERS ALCOHOL TREATMENT FUND UNDER ITS RESPECTIVE CONTROL TO THE GENERAL FUND OF THE COUNTY OR MUNICIPAL CORPORATION THAT PAYS THE COSTS OF OPERATION OF THAT COURT

To the committee on Judiciary.

**Sub. S. B. No. 64** - Senator Goodman, et al.

TO PROVIDE FOR DISTRIBUTION OF THE TRUST ESTATE UPON A PROBATE COURT'S TERMINATION OF SMALL TRUSTS AND REPRESENTATION IN A TRUST, TO SPECIFY THE CIRCUMSTANCES FOR THE REVOCATION OR NONREVOCATION OF A POWER OF ATTORNEY UPON THE TERMINATION OF THE MARRIAGE BETWEEN THE PRINCIPAL AND THE PRINCIPAL'S SPOUSE AS ATTORNEY IN FACT OR UPON THEIR ENTERING INTO A SEPARATION AGREEMENT, TO SPECIFY WHEN THE FORFEITURE OR POSTPONEMENT PROVISIONS OF A SPENDTHRIFT PROVISION IN AN INTER VIVOS OR TESTAMENTARY TRUST APPLY TO A PROPERTY INTEREST THAT QUALIFIES AS A QUALIFIED



TERMINABLE INTEREST PROPERTY DEDUCTION, AND TO SPECIFY WHEN SUCH A TRUST MAY REQUIRE OR PERMIT THE ACCUMULATION FOR MORE THAN ONE YEAR OF ANY INCOME OF PROPERTY THAT QUALIFIES AS SUCH AN INTEREST

To the committee on Judiciary.

LARRY HOUSEHOLDER	JON M. PETERSON
GARY W. CATES	JOHN SCHLICHTER
STEPHEN BUEHRER	JAMES PETER TRAKAS
CHARLES CALVERT	CHRIS REDFERN
JIM CARMICHAEL	JOYCE BEATTY
PATRICIA M. CLANCY	KENNETH A. CARANO
LARRY L. FLOWERS	STEVE L. DRIEHAUS
JIM HUGHES	ROBERT J. OTTERMAN
THOMAS F. PATTON	CHARLES A. WILSON

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. 82** - Representative Faber.

HONORING THE MARION LOCAL HIGH SCHOOL GIRLS  
BASKETBALL TEAM AS THE 2003 DIVISION IV STATE CHAMPION

**H. R. No. 83** - Representative Faber.

HONORING THE MARION LOCAL HIGH SCHOOL BOYS  
BASKETBALL TEAM AS THE 2003 DIVISION IV STATE CHAMPION

**H. R. No. 84** - Representatives Widener, Perry, Domenick, Fessler, J. Stewart, McGregor, Jerse, Reidelbach, Aslanides, Cates, S. Smith, Williams, Beatty, Niehaus, T. Patton, Peterson, C. Evans, Price, Carano, Allen, Hoops, Seitz, Hughes, Sferra, Hollister, Schaffer, Walcher, DeBose, Willamowski, Miller, DeWine, Husted, Schmidt, Strahorn, Setzer, Kearns, Flowers, Hartnett, Wagner, Redfern, Hagan, D. Evans, Skindell, Ujvagi, Otterman, Calvert, Collier, Raga, Gibbs, Chandler, Cirelli, Kilbane, Oelslager, Seaver,

Carmichael, Driehaus, Harwood, Widowfield, Brown, Key, Boccieri, Clancy, Faber, Oلمان, Daniels, Taylor, Wolpert, Blasdel, Gilb, Koziura, White, Webster, Latta, D. Stewart, Barrett, S. Patton, Yates, DePiero, Schneider, Wilson, Distel, Grendell, Raussen, Sykes, Callender, Core, Woodard, Young, Schlichter, Martin, Mason.

HONORING THE MADISON COUNTY TIGERS SPECIAL OLYMPICS BASKETBALL TEAM AS THE 2003 DIVISION III STATE CHAMPION

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.

#### MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on May 20, 2003, signed the following:

**Sub. H.B. No. 81** - Representative Core, et al.

On motion of Representative Cates, the House adjourned until Wednesday, May 21, 2003 at 1:30 o'clock p.m.

Attest:

LAURA P. CLEMENS,  
Clerk.