

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, MAY 21, 2003

FIFTY-THIRD DAY

Hall of the House of Representatives, Columbus, Ohio
Wednesday, May 21, 2003 at 1:30 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Heath Jenkins of the Calvary Baptist Church in Rio Grande, 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:

The Moeller High School boys basketball team received H. R. 81, presented by Representative Raussen-28th district & Representative Schneider-35th district.

Students of the Ohio Bicentennial Service-Learning Schools Project/Project Appalachia, guests of Representative Hollister-93rd district.

David Pomerantz, a guest of Representative Skindell-13th district.

Beth Webb and children, guests of Representative Wolpert-23rd district & Representative Peterson-2nd district.

Students from the St. James of the Valley Catholic School, guests of Representative Raussen-28th district.

Dr. Jeff Harwood, a guest of Representative Walcher-58th district.

Frank Suponic and Maureen Mitchell, guests of Representative Callender-62nd district.

Kelly Peed and Sarah Krieg, guests of Representative Kearns-72nd district.

John, Lora, Matthew, Morgan, and Noah Jenkins, guests of Representative C. Evans-87th district.

Jessica Schillace and Cindy Nagy, guests of Representative Distel-99th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 197-Representatives McGregor, Allen, Beatty, Distel, Kearns, Miller, Price, Seitz, Willamowski, Woodard, Ujvagi.

To amend section 3354.121 of the Revised Code to eliminate the prohibition against the issuance of obligations by community college districts and state community college districts for the acquisition, construction, maintenance, or operation of housing and dining facilities.

H. B. No. 198-Representative Willamowski.

To amend sections 145.01, 145.33, and 145.49 of the Revised Code to create special provisions in the Public Employees Retirement System for public safety officials.

H. B. No. 199-Representative Willamowski.

To amend section 6137.03 of the Revised Code to require a hearing to be held prior to the levying of certain assessments for the maintenance of ditches.

H. B. No. 200-Representative Willamowski.

To enact section 3125.141 of the Revised Code to allow a child support enforcement agency to contract with a private person or entity to provide service of process or to compensate a sheriff for successful service of process.

Said bills were considered the first time.

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. C. R. No. 14**-Representative Setzer, et al., having had the same under consideration, reports it back and recommends its passage.

RE: AVIATION MAINTENANCE TECH. APPRECIATION DAY

JON M. PETERSON	DEAN E. DEPIERO
STEPHEN BUEHRER	ANNIE L. KEY
STEVE REINHARD	JIM CARMICHAEL
LARRY L. FLOWERS	JOHN A. BOCCIERI
PATRICIA M. CLANCY	DAN STEWART

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 Commerce and Labor to which was referred **H. B. No. 105**-Representative Collier, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: LICENSING FOR HOME MEDICAL SERVICES PROVIDERS

DALE MILLER	CHRIS WIDENER
TIMOTHY O. SCHAFFER	L. GEORGE DISTEL
JOHN A. BOCCIERI	JIM MCGREGOR

DAN STEWART

RON YOUNG

The following members voted "NO"

BRYAN C. WILLIAMS

TOM BRINKMAN

SALLY CONWAY KILBANE

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 Insurance to which was referred **H. B. No. 139**-Representative G. Smith, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: FINANCIAL RESPONSIBILITY

Representative G. Smith moved to amend the title as follows:

Add the names: "Gibbs, Barrett, Setzer, Sferra, Driehaus, Koziura, Faber."

GEOFFREY C. SMITH

ARLENE J. SETZER

JOSEPH KOZIURA

KEITH L. FABER

STEVE L. DRIEHAUS

JIM RAUSSEN

LYNN E. OLMAN

JOHN J. WHITE

BOB GIBBS

JIM HUGHES

EDNA BROWN

DAVID DANIELS

LARRY L. WOLPERT

TODD BOOK

CATHERINE L. BARRETT

DANIEL J. SFERRA

CLAUDETTE J. WOODARD

GARY W. CATES

DERRICK SEAVER

CHARLES R. BLASDEL

DIANA M. FESSLER

THOMAS F. PATTON

The report was agreed to.

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

Representative Cirelli submitted the following report:

The standing committee on Health to which was referred **H. B. No. 142**-Representative Hagan, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: ON-CAMPUS STUDENTS-MENINGITIS VACCINATIONS

Representative Jolivette moved to amend the title as follows:

Add the names: "S. Smith, Hollister, Yates, Williams, DeBose, White, Reidelbach, Taylor, Schneider, Beatty, Jolivette."

GEOFFREY C. SMITH

MICHELLE G. SCHNEIDER

JAMES M. HOOPS
 GREGORY JOLIVETTE
 JOHN J. WHITE
 MICHAEL DEBOSE
 MARY TAYLOR
 JOYCE BEATTY
 LYNN E. OLMAN
 SANDRA STABILE HARWOOD
 EDWARD JERSE
 MERLE GRACE KEARNS

SHIRLEY A. SMITH
 CHARLES R. BLASDEL
 BRYAN C. WILLIAMS
 NANCY P. HOLLISTER
 LINDA REIDELBACH
 CATHERINE L. BARRETT
 DIANA M. FESSLER
 TYRONE K. YATES
 MARY M. CIRELLI

The report was agreed to.

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

Representative Hartnett submitted the following report:

The standing committee on Education to which was referred **H. B. No.**

3-Representative Schlichter, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: PUBLIC SCHOOL ACCOUNTABILITY - DIRECT GA

Representative Setzer moved to amend the title as follows:

Add the names: "Setzer, Callender, Carano, Chandler, DeBose, DeWine, Distel, C. Evans, Hartnett, Hoops, Reidelbach, Reinhard, Taylor, Webster, Williams, Yates."

KATHLEEN CHANDLER
 JAMIE CALLENDER
 STEVE REINHARD
 KEVIN DEWINE
 W. SCOTT OELSLAGER
 CLYDE EVANS
 MERLE GRACE KEARNS
 MARY TAYLOR
 JAMES M. HOOPS

WILLIAM J. HARTNETT
 SHAWN N. WEBSTER
 ARLENE J. SETZER
 TYRONE K. YATES
 LINDA REIDELBACH
 MICHAEL DEBOSE
 BRYAN C. WILLIAMS
 KENNETH A. CARANO
 L. GEORGE DISTEL

The following members voted "NO"

DERRICK SEAVER
 CLAUDETTE J. WOODARD

DIANA M. FESSLER

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

Representative Trakas moved that majority party members asking leave to be absent or absent the week of Tuesday, May 20, 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 Tuesday, May 20, 2003, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

Representative Cates moved that House Rule No. 65 be suspended and that Sub. H. B. No. 3 be brought up for consideration the third time.

The motion was agreed to without objection.

Sub. H. B. No. 3-Representatives Schlichter, Callender, Carano, Chandler, DeBose, DeWine, Distel, C. Evans, Hartnett, Hoops, Reidelbach, Reinhard, Taylor, Webster, Williams, Yates.

To amend sections 3301.079, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0715, 3301.91, 3302.01, 3302.03, 3302.04, 3313.532, 3313.6012, 3313.61, 3313.611, 3313.612, 3313.97, 3314.012, 3314.03, and 3317.012; to enact new section 3302.02 and sections 3302.021 and 3313.971; and to repeal sections 3301.0713, 3302.02, and 3365.15 of the Revised Code to comply with the "No Child Left Behind Act of 2001" by revising the system of statewide achievement testing to include annual achievement tests in reading and math in grades three through eight; requiring the State Board of Education to designate at least four ranges of scores on the Ohio Graduation Tests; changing the names of the levels of achievement associated with the achievement tests; requiring an annual determination of a district's progress toward meeting a "nationally proficient" level of achievement (AYP); prohibiting exemptions from taking achievement tests for limited English proficient students; making the administration of diagnostic assessments to certain students voluntary; specifying the state performance indicators for school districts and buildings; adding calculations of a performance index score to determinations of school district and building performance ratings; directing the Department of Education to incorporate a value-added progress dimension into the district and building report cards by July 1, 2005; creating the Ohio Accountability Committee to monitor the implementation of the value-added factor and to make recommendations regarding the state's accountability system; requiring the disaggregation of student performance data according to disability, limited English proficient status, and migrant status and eliminating disaggregations of data by vocational education status; specifying the sanctions for school districts and buildings, including community schools, that fail to meet performance standards; directing school districts to allow students enrolled in persistently dangerous schools to transfer; to amend the version of section 3313.608 of the Revised Code that is

scheduled to take effect July 1, 2003, to continue the provisions of this act on and after that effective date, and to declare an emergency, was taken up for consideration the third time.

The question being, "Shall the emergency clause stand as part of the bill?"

Representative Callender moved to amend as follows:

Delete lines 3152 through 3159.

In line 44 of the title, delete the semicolon and insert "and".

In line 48 of the title, delete ", and to declare an emergency".

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 71, nays 27, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Beatty	Blasdel
Book	Brinkman	Buehrer	Callender
Calvert	Carmichael	Cates	Cirelli
Collier	Core	Daniels	Domenick
D. Evans	Faber	Fessler	Flowers
Gibbs	Gilb	Grendell	Hagan
Harwood	Hollister	Hoops	Husted
Jerse	Jolivette	Kilbane	Koziura
Martin	Mason	Miller	Niehaus
Olman	T. Patton	Perry	Peterson
Raga	Raussen	Reinhard	Schaffer
Schlichter	Schmidt	Seaver	Seitz
Setzer	Skindell	G. Smith	S. Smith
D. Stewart	J. Stewart	Strahorn	Sykes
Taylor	Trakas	Ujvagi	Wagner
Walcher	White	Widener	Widowfield
Williamowski	Williams	Wilson	Wolpert
Woodard	Young		Householder-71.

Those who voted in the negative were: Representatives

Barrett	Bocchieri	Brown	Carano
Chandler	Clancy	DeBose	DePiero
DeWine	Distel	Driehaus	C. Evans
Hartnett	Hughes	Kearns	Key
Latta	McGregor	Oelslager	Otterman
Price	Redfern	Reidelbach	Schneider
Sferra	Webster		Yates-27.

The motion was agreed to and the bill so amended.

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

Representative Clancy moved to amend as follows:

In line 1454, after "it" insert "fulfills one of the following requirements:

(a) It".

In line 1457, after "hundred" insert ".

(b) It has failed to make adequate yearly progress for not more than two consecutive years and either meets at least ninety-four per cent of the applicable state performance indicators or has a performance index score of at least one hundred".

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 95, nays 3, 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	Distel
Domenick	Driehaus	C. Evans	D. Evans
Faber	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	T. Patton
Perry	Peterson	Price	Raga
Rausen	Redfern	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
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-95.

Representatives DeWine, Fessler, and Seaver voted in the negative-3.

The motion was agreed to and the bill so amended.

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

The yeas and nays were taken and resulted - yeas 88, nays 10, 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	DePiero
DeWine	Distel	Domenick	Driehaus
C. Evans	D. Evans	Faber	Flowers
Gibbs	Gilb	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes

Husted	Jolivette	Kearns	Key
Kilbane	Latta	Martin	Mason
McGregor	Miller	Niehaus	Oelslager
Olman	Otterman	T. Patton	Perry
Peterson	Price	Raga	Raussen
Redfern	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	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	Yates	Householder-88.

Those who voted in the negative were: Representatives

Bocieri	Book	Brinkman	Fessler
Grendell	Jerse	Koziura	Seaver
Woodard			Young-10.

The bill passed.

The motion was agreed to and the title so amended.

The title as amended was agreed to.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 5-Representatives Walcher, D. Evans, Grendell, Gilb, Willamowski, Collier, Seitz, Latta, Faber.

To amend sections 1923.01, 1923.02, 2152.82, 2152.83, 2152.84, 2152.85, 2929.13, 2929.19, 2929.21, 2950.01, 2950.02, 2950.03, 2950.04, 2950.05, 2950.06, 2950.07, 2950.08, 2950.081, 2950.09, 2950.10, 2950.11, 2950.12, 2950.13, 2950.99, 5321.01, and 5321.03 and to enact sections 2950.031, 2950.111, and 5321.051 of the Revised Code to modify the Sex Offender Registration and Notification Law by adopting most of the recommendations of the Governor's Sex Offender Registration and Notification Task Force, generally conforming the Law to federal guidelines, providing a penalty for failing to send a notice of intent to reside, clarifying that habitual sex offenders in another jurisdiction are habitual sex offenders under Ohio law, clarifying the Law's community notification provisions as applied to multi-resident buildings, prohibiting a person convicted of a sexually oriented offense from establishing a residence within 1000 feet of any school premises, permitting landlords to evict from residential premises located within 1000 feet of school premises any person on the state registry of sexual offenders, specifying that convictions in courts of foreign nations are sexually oriented offenses under the Law, and making other changes in that Law, and to amend the versions of sections 2929.13 and 2929.19 of the Revised Code that are scheduled to take effect on January 1, 2004, to continue the provisions of this

act on and after that effective date, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 94, nays 4, 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	Kilbane	Koziura	Latta
Martin	Mason	McGregor	Miller
Niehaus	Oelslager	Olman	Otterman
T. Patton	Perry	Peterson	Raga
Rausen	Redfern	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seaver	Seitz	Setzer	Sferra
Skindell	G. Smith	D. Stewart	J. Stewart
Strahorn	Taylor	Trakas	Ujvagi
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wilson	Wolpert	Woodard	Yates
Young			Householder-94.

Representatives Key, Price, S. Smith, and Sykes voted in the negative-4.

The bill passed.

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 143-Representatives Aslanides, McGregor, Hagan, Collier, Husted, Widener, Hollister, C. Evans, Widowfield, Carmichael, Barrett, Setzer, Seaver, Domenick, Niehaus, Faber, Walcher.

To amend sections 907.01, 907.02, 907.03, 907.04, 907.07, 907.08, 907.081, 907.09, 907.10, 907.12, 907.13, 907.15, 907.16, and 907.31, to enact new section 907.14, and to repeal section 907.14 of the Revised Code to revise the law governing the labeling and sale of seed, 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	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	T. Patton	Perry	Peterson
Price	Raga	Raussen	Redfern
Reidelbach	Reinhard	Schaffer	Schlichter
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 bill passed.

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 149—Representatives Fessler, Seitz, Williams, Gilb, Brinkman, Perry, Reidelbach, Walcher, Book, Harwood, Hollister, Mason, S. Smith, Widowfield, Willamowski.

To amend sections 3119.60, 3119.61, 3119.71, and 3119.74 and to enact sections 3119.77, 3119.771, 3119.772, and 3119.773 of the Revised Code to provide for review of a child support order at the request of a member of the uniformed services called to emergency military service, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

5/21/03

The Honorable Larry Householder, Speaker
The Ohio House of Representatives
Columbus, Ohio

Speaker Householder,

Pursuant to House Rule No. 56, I respectfully request that I be excused from voting on **Sub. H. B. No. 149**, because it might be construed that I have an interest in the legislation.

Sincerely yours,

/S/ JOHN A. BOCCIERI
 JOHN A. BOCCIERI
 State Representative
 61st House District

The request was granted.

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	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
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 bill passed.

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 adopted the following concurrent resolution in which the concurrence of the House is requested:

S. C. R. No. 6 - Senators Jacobson, Austria

Honoring Rajesh K. Soin on receiving the Ellis Island Medal of Honor.

Attest:

MATTHEW T. SCHULER,
Clerk

Said concurrent resolution was referred to the committee on Rules and Reference under the Rule.

On motion of Representative Cates, the House adjourned until Thursday, May 22, 2003 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.