

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, MAY 28, 2003

FIFTY-SIXTH DAY

Hall of the House of Representatives, Columbus, Ohio
Wednesday, May 28, 2003 at 1:30 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Jimmie Webb of the First Baptist Church of Seamen in Fayetteville, 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 Madison County Tigers Special Olympics basketball team received H.R. No. 84, presented by Representative Widener-84th district.

Sarah Morris, a guest of Representative Ujvagi-47th district.

Bob and Jane Connelly, guests of Representative Niehaus-88th district.

INTRODUCTION OF BILLS

The following bill was introduced:

H. B. No. 203-Representative White.

To require the Director of Environmental Protection to establish a two-year study project to assess the impacts, if any, that animal feeding facilities and the land application of manure from those facilities have on surface water quality in this state.

Said bill was considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Am. H. B. No. 43**-Representative Core, et al. were taken up for consideration.

Am. H. B. No. 43-Representatives Core, Willamowski, Collier, Seitz, Hollister, Gibbs, Olman, Hagan, Widener, Calvert, Hartnett, McGregor, Reinhard, Setzer, Schaffer, Gilb, Jolivette, Woodard, Carmichael, Otterman, Allen, Strahorn, Williams, White, Carano, Flowers, Ujvagi, Webster, Perry, Seaver, DeBose, Niehaus, Domenick, Book, Brown, Buehrer, Cates, Chandler, Cirelli, Clancy, Daniels, DeWine, Distel, D. Evans, Faber, Hoops, Hughes, Kearns, Key, S. Patton, T. Patton, Peterson, Raussen, Redfern, Reidelbach, Schlichter, Schneider, S. Smith, J. Stewart, Taylor, Trakas, Wagner, Widowfield, Yates. -Senators Spada, Roberts, Robert Gardner, Hagan, Armbruster, Austria, Schuler, Mumper, DiDonato.

To enact sections 6111.50 to 6111.56 of the Revised Code to establish requirements for the use of credible data in administering the Water Pollution Control Law.

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	Jolivette	Kearns
Key	Kilbane	Koziura	Latta
Martin	Mason	McGregor	Miller
Niehaus	Oelslager	Olman	Otterman
S. Patton	T. Patton	Perry	Peterson
Price	Raga	Rausen	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 Woodard submitted the following report:

The standing committee on Insurance to which was referred **H. B. No. 137**-Representative G. Smith, having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: FOREIGN INSURANCE COMPANIES

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

Add the names: "Book, Hughes, Setzer, Gibbs, Olman, Wolpert, D. Evans, T. Patton, Fessler, Brown."

Representative Faber moved to amend the title as follows:

In lines 67 and 208, delete " and paying a fee of fifty dollars "

In lines 91 and 232, after the period insert " The superintendent may also charge a company a fifty-follar fee for each time the superintendent is required to give notice to the compay in accordance with division (G) of this section. "

The motion was agreed to.

GEOFFREY C. SMITH
CHARLES R. BLASDEL
DAVID R. EVANS
BOB GIBBS
ARLENE J. SETZER
LYNN E. OLMAN
DERRICK SEAVER
DIANA M. FESSLER
JIM HUGHES

LARRY L. WOLPERT
CATHERINE L. BARRETT
EDNA BROWN
STEVE L. DRIEHAUS
JOHN J. WHITE
JIM RAUSSEN
TODD BOOK
THOMAS F. PATTON
DAVID DANIELS

The report was agreed to.

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

Representative Mason submitted the following report:

The standing committee on Criminal Justice to which was referred **S. B. No. 5**-Senator Jacobson, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: SEX OFFENDER REGISTRATION/NOTIFICATION-CLARIFY

Representative Latta moved to amend the title as follows:

Add the names: Representatives Latta, Callender, Oelslager, DePiero, Faber, D. Evans, Grendell, Gilb, Willamowski, Seitz, Mason

ROBERT E. LATTA
JAMIE CALLENDER
W. SCOTT OELSLAGER
DEAN E. DEPIERO
KEITH L. FABER
DAVID R. EVANS
TIMOTHY J. GRENDALL
TYRONE K. YATES

EDNA BROWN
EDWARD JERSE
MIKE GILB
JOHN R. WILLAMOWSKI
THOM COLLIER
WILLIAM J. SEITZ
LANCE T. MASON

The following member voted "NO"

ANNIE L. KEY

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 Finance and Appropriations to which was referred **H. B. No. 173**-Representative Oelslager, having had the same under consideration, reports it back and recommends its passage.

RE: COLLEGE ADVANTAGE SAVINGS PLAN - REVISE ADMIN

CHARLES CALVERT
 JON M. PETERSON
 DAVID R. EVANS
 THOMAS F. PATTON
 CATHERINE L. BARRETT
 DIXIE J. ALLEN
 JON A. HUSTED
 CHARLES A. WILSON
 KEITH L. FABER
 KEVIN DEWINE
 JIMMY STEWART
 MERLE GRACE KEARNS
 SHAWN N. WEBSTER
 TOM RAGA

DALE MILLER
 EDWARD JERSE
 TONY CORE
 WILLIAM J. HARTNETT
 CLAUDETTE J. WOODARD
 STEPHEN BUEHRER
 JEAN SCHMIDT
 PATRICIA M. CLANCY
 MARY TAYLOR
 JAMES PETER TRAKAS
 LARRY L. FLOWERS
 PETER UJVAGI
 JIM HUGHES

The following members voted "NO"

FRED STRAHORN

JOYCE BEATTY

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 Wednesday, May 28, 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 28, 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. C. 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," was taken up for consideration the third time.

The question being, "Shall the concurrent resolution be adopted?"

Representative Setzer moved to amend the title as follows:

Add the names: "Cates, Clancy, Core, D. Evans, Flowers, Gibbs, Hoops, Hughes, Jolivette, McGregor, Olman, Peterson, Raga, Raussen, Reidelbach, Schneider, Seitz, G. Smith, Willamowski, Wolpert."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

The question being, "Shall the concurrent resolution be adopted?"

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	Jolivette
Kearns	Key	Kilbane	Koziura
Latta	Martin	Mason	McGregor
Miller	Niehaus	Oelslager	Olman
Otterman	Patton S.	Patton T.	Perry
Peterson	Price	Raga	Raussen
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 concurrent resolution was adopted.

Sub. H. B. No. 105-Representatives Collier, D. Evans, Hollister, McGregor, Raga, Schaffer, Redfern, Widener, Jerse, Webster, Allen, G.

Smith.

To amend sections 4745.01, 4761.02, and 4761.03 and to enact sections 4752.01 to 4752.09 and 4752.99 of the Revised Code to require licensure of home medical equipment services providers by the Ohio Respiratory Care Board, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 93, nays 4, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Bocchieri	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	Koziura	Latta	Martin
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	Patton S.
Patton T.	Perry	Peterson	Price
Raga	Raussen	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seaver	Seitz	Setzer	Sferra
Skindell	Smith G.	Stewart D.	Stewart J.
Strahorn	Sykes	Taylor	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Wilson	Wolpert	Woodard	Yates
			Young-93.

Representatives Brinkman, Kilbane, Smith S., and Williams voted in the negative-4.

The bill passed.

Representative Collier moved to amend the title as follows:

Add the names: "Aslanides, Barrett, Book, Carano, Carmichael, Cirelli, Daniels, DeWine, Domenick, Flowers, Jolivette, Key, Miller, Otterman, T. Patton, Perry, Peterson, Price, Schlichter, Setzer, Sferra, Strahorn, Wilson, Wolpert, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 139-Representatives G. Smith, Gibbs, Barrett, Setzer, Sferra, Driehaus, Koziura, Faber.

To amend sections 4509.01, 4509.101, 4509.20, 4509.41, 4509.45, 4509.51, 4509.53, 4509.59, 4509.65, 4509.67, and 4509.80, to enact section 2323.57, and to repeal sections 4509.62 and 4509.63 of the Revised Code to specify that, under the Financial Responsibility Law, motor-vehicle liability policies remain subject to their terms and conditions, to amend minimum coverage requirements for the Financial Responsibility Law, and to limit damage awards to uninsured motorists and to amend the versions of sections 4509.101, 4509.45, and 4509.80 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, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Faber moved to amend as follows:

In line 23, delete " means any nonpecuniary harm that ".

In line 24, delete " results from an injury " and insert " has the same meaning as in section 2323.56 of the Revised Code ".

In line 31, delete " The " and insert " Except as provided in division (C) of this section, the ".

Between lines 34 and 35, insert:

" (C) This section does not apply to wrongful death actions brought pursuant to Chapter 2125. of the Revised Code. "

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

Representative Skindell moved to amend as follows:

In line 12 of the amendment, delete " division " and insert " divisions "; after " (C) " insert " and (D) ".

In line 15 of the amendment, delete the quotation mark.

After line 15 of the amendment, insert:

" (D) The plaintiff may be awarded damages for noneconomic losses, in addition to punitive damage awards, if the plaintiff's injury was incurred under any of the following circumstances:

(1) The plaintiff was injured by the defendant's intentional action or willful and wanton misconduct;

(2) The plaintiff was injured by an individual committing a felony or in immediate flight from the felony;

(3) The plaintiff was injured by an individual fleeing or eluding from a police officer or other law enforcement officer;

(4) The plaintiff was injured by an individual operating a motor vehicle in violation of section 4511.19 of the Revised Code or any other state or local ordinance relating to the operation of a motor vehicle while under the

influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or relating to operating a motor vehicle with a prohibited concentration of alcohol in the blood, breath, or urine;

(5) The plaintiff was injured while operating the motor vehicle under the reasonable belief, which may be proven by clear and convincing evidence, of the existence of insurance or other coverage for the motor vehicle constituting proof of financial responsibility.

(7) The plaintiff had insurance constituting proof of financial responsibility that lapsed while the plaintiff was in active service as a member of the armed forces of the United States or within six months after the plaintiff's discharge from active duty. ""

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

Representative G. Smith moved that the motion be laid on the table.

The question being, "Shall the motion to amend the amendment be laid upon the table?"

The yeas and nays were taken and resulted - yeas 55, nays 42, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Calvert
Carmichael	Cates	Clancy	Collier
Core	Daniels	DeWine	D. Evans
Faber	Fessler	Flowers	Gibbs
Gilb	Hagan	Hollister	Hoops
Husted	Jolivet	Kearns	Kilbane
Latta	Martin	McGregor	Niehaus
Oلمان	T. Patton	Peterson	Raga
Raussen	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seitz
Setzer	G. Smith	J. Stewart	Taylor
Trakas	Wagner	Walcher	Webster
White	Widener	Widowfield	Williams
Wolpert	Young		Householder-55.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocchieri
Book	Brinkman	Brown	Callender
Carano	Chandler	Cirelli	DeBose
DePiero	Distel	Domenick	Driehaus
C. Evans	Hartnett	Harwood	Hughes
Jerse	Key	Koziura	Mason
Miller	Oelslager	Otterman	S. Patton
Perry	Price	Seaver	Sferra
Skindell	S. Smith	D. Stewart	Strahorn
Sykes	Ujvagi	Willamowski	Wilson
Woodard			Yates-42.

The motion to amend the amendment was laid on the table.

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

The yeas and nays were taken and resulted - yeas 95, nays 2, 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	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	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-95.

Representatives Hollister and S. Patton voted in the negative-2.

The motion was agreed to and the bill so amended.

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

Representative Beatty moved to amend as follows:

In line 18, delete "be amended and section 2323.57"; delete "enacted" and insert "amended".

Delete lines 20 through 34.

In line 3 of the title, delete "to enact section".

In line 4 of the title, delete "2323.57,".

Delete line 10 of the title.

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

Representative G. Smith moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 58, nays 39, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Calvert
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Carmichael	Cates	Clancy	Collier
Core	Daniels	DeWine	C. Evans
D. Evans	Faber	Fessler	Flowers
Gibbs	Gilb	Hagan	Hollister
Hoops	Hughes	Husted	Jolivette
Kearns	Kilbane	Latta	Martin
McGregor	Niehaus	Olman	T. Patton
Peterson	Raga	Raussen	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
G. Smith	J. Stewart	Taylor	Trakas
Wagner	Walcher	Webster	White
Widener	Widowfield	Williams	Wolpert
Young			Householder-58.

Those who voted in the negative were: Representatives

Allen	Barrett	Beatty	Bocieri
Book	Brinkman	Brown	Callender
Carano	Chandler	Cirelli	DeBose
DePiero	Distel	Domenick	Driehaus
Hartnett	Harwood	Jerse	Key
Koziura	Mason	Miller	Oelslager
Otterman	S. Patton	Perry	Price
Sferra	Skindell	S. Smith	D. Stewart
Strahorn	Sykes	Ujvagi	Willamowski
Wilson	Woodard		Yates-39.

The motion to amend was laid on the table.

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

The yeas and nays were taken and resulted - yeas 81, nays 16, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Bocieri	Book	Brinkman	Brown
Buehrer	Calvert	Carano	Carmichael
Cates	Clancy	Collier	Core
Daniels	DePiero	DeWine	Distel
Driehaus	Evans C.	Evans D.	Faber
Fessler	Flowers	Gibbs	Gilb
Hagan	Hartnett	Harwood	Hoops
Householder	Hughes	Husted	Jerse
Jolivette	Kearns	Kilbane	Koziura
Latta	Martin	McGregor	Miller
Niehaus	Oelslager	Olman	Otterman
Patton T.	Perry	Peterson	Raga
Raussen	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Smith G.
Stewart D.	Stewart J.	Taylor	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wilson	Wolpert	Woodard

Young-81.

Those who voted in the negative were: Representatives

Beatty	Callender	Chandler	Cirelli
DeBose	Domenick	Hollister	Key
Mason	Patton S.	Price	Skindell
Smith S.	Strahorn	Sykes	Yates-16.

The bill passed.

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

Add the names: "Cates, Clancy, Daniels, D. Evans, Fessler, Flowers, Gilb, Hughes, Martin, Niehaus, Olman, Raussen, Reidelbach, Schmidt, Schneider, Seitz, J. Stewart, Wolpert."

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 29, 2003 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.