

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, JUNE 17, 2003

## SIXTY-FIFTH DAY

Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, June 17, 2003 at 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Rabbi Michael Dick of the Agudas Achim Synagogue in Columbus, Ohio, 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 Dublin Scioto High School Cheerleading Squad received H. R. No. 71, presented by Representative Hughes-22nd district.

Dorothy Ginther, Patty Johns, Nancy Hamilton, and Connie Clark, guests of Representative Carmichael-3rd district.

Carolyn Carmichael, wife, Representative Carmichael-3rd district.

Carol Miller, wife, Representative Miller-14th district.

Jarrold Weiss, guest of Representative Hughes-22nd district.

Angela Buccalo, guest of Representative Yates-33rd district.

Teachers and students of the Central Catholic High School, guests of Representative Oelslager-51st district.

Judy Shelton, Nancy Nix, Kenny Craig, Courtney Combs, and Danny Crank, guests of Representative Cates-55th district, Representative Webster-53rd district, and Representative Jolivet-54th district.

Richard Taton, guest of Representative Callender-62nd district.

Jim Murphy and Dennis Hak, guests of Representative Gilb-76th district.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 222**-Representatives Mason, Barrett, Allen, Key, Distel, DeBose, McGregor, Sykes, Brown, Price, Willamowski, Hartnett, S. Smith, S. Patton.

To amend sections 3313.64, 3313.65, 3317.023, and 3317.08 of the Revised Code to permit a student who relocates or whose parent relocates outside of the school district in which the student is entitled to attend school after the end of the first full week in October and who is enrolled in a school of that district prior to that time to continue to attend school in that district free of tuition for the balance of the school year; and to amend the version of section 3313.65 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.

**H. B. No. 223**-Representatives Gibbs, Cates, Schmidt, C. Evans, Calvert, Hagan, Aslanides, D. Evans, Buehrer, Setzer, Webster, McGregor, Raussen, Young, Faber, Peterson, Carmichael, Wolpert, Schlichter.

To amend section 4123.54 of the Revised Code to specify conditions under which chemical testing of an employee may establish a rebuttable presumption that the employee's injury was proximately caused by use of alcohol or an unprescribed controlled substance.

**H. B. No. 224**-Representatives Kearns, J. Stewart, McGregor, Gilb, Seitz, S. Patton, Jerse, Fessler, Skindell, DeWine, Chandler, Allen, Walcher, Schmidt, Setzer, Otterman, Webster, Cirelli, Barrett, Widener, Carano, Harwood, Hoops, Ujvagi, Key, Latta, C. Evans, Hollister, Willamowski, Boccieri, Seaver, Price, Schaffer.

To enact section 5.2227 of the Revised Code designating November 19 as "George Rogers Clark Day."

**H. B. No. 225**-Representative Olman.

To amend sections 1739.05, 1751.01, 1751.02, 3923.28, 3923.30, and 3923.51 and to enact sections 3923.281 and 3923.282 of the Revised Code to prohibit discrimination in group health care policies, contracts, and agreements in the coverage provided for the diagnosis, care, and treatment of mental illness.

Said bills were considered the first time.

### CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 108**-Representative Driehaus, et al., were taken up for consideration.

**Sub. 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, 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. -Senators Roberts, Mumper, Schuler, Robert Gardner, Schuring.

To amend section 169.03 of the Revised Code to generally 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.

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

The yeas and nays were taken and resulted - yeas 97, nays 1, 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	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	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wilson
Wolpert	Woodard	Yates	Young
			Householder-97.

Representative Brinkman voted in the negative-1.

The Senate amendments were concurred in.

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

Representative Perry submitted the following report:

The standing committee on Transportation and Public Safety to which was referred **H. B. No. 56**-Representative Callender, et al., having had the same under consideration, reports back as a substitute bill and recommends its passage.

RE: ROCK AND ROLL HALL OF FAME LICENSE PLATES

Representative Reinhard moved to amend the title as follows:

Add the names: "Schlichter, Reinhard, Hoops, Daniels, Price, McGregor, Key, Perry, Jolivette."

STEVE REINHARD

JOHN SCHLICHTER

JAMES M. HOOPS  
LARRY PRICE  
ANNIE L. KEY  
GREGORY JOLIVETTE

DAVID DANIELS  
JEANINE PERRY  
JIM MCGREGOR  
LARRY L. FLOWERS

The report was agreed to.

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

Representative Perry submitted the following report:

The standing committee on Transportation and Public Safety to which was referred **H. B. No. 157**-Representative Seaver, et al., having had the same under consideration, reports back as a substitute bill and recommends its passage.

RE: 4-H LICENSE PLATES - SUPPORT 4-H YOUTH

Representative Reinhard moved to amend the title as follows:

Add the names: "McGregor, Key, Perry, Jolivette, Hoops, Price, Daniels, Schlichter, Reinhard."

STEVE REINHARD  
JOHN SCHLICHTER  
JAMES M. HOOPS  
DAVID DANIELS  
LARRY PRICE

JEANINE PERRY  
ANNIE L. KEY  
GREGORY JOLIVETTE  
JIM MCGREGOR  
LARRY L. FLOWERS

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. 58 - Speaker Householder, Representatives Redfern, 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, 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, Oلمان, Otterman, S. Patton, 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.**

## IN MEMORY OF JACOB E. DAVIS

LARRY HOUSEHOLDER,  
Chair.

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

The motion was agreed to.

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

**H. R. No. 58**-Speaker Householder, Representatives Redfern, 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, 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, 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.

In memory of Jacob E. Davis.

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

WHEREAS, Jacob Davis 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. A graduate of The Ohio State University in 1927 and Harvard Law School in 1930, he began practicing law in Waverly, later becoming Pike County prosecutor, a common pleas court judge, and a member of the Ohio House of Representatives. In 1941, he was elected to the United States House of Representatives, where he served on the Foreign Affairs Committee, and he was named vice president of Kroger in 1944. Appointed to The Ohio State University Board of Trustees in 1961 by Governor Michael DiSalle, he was promoted to president of Kroger in 1962, and under his guidance, the company continued to flourish; and

WHEREAS, Jacob Davis' 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, A loyal husband to his wife, the late Minnie, a devoted father to his two children, Jacob and Eleanor, and a loving grandfather to his two grandchildren and two great-grandchildren, Jacob Davis always used his talents to the benefits 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 truly be 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 Jacob E. Davis 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 Jacob E. Davis.

The resolution was adopted.

### **BILLS FOR THIRD CONSIDERATION**

**Sub. H. B. No. 64**-Representatives Faber, McGregor, Seitz, J. Stewart, Allen, Redfern, Wagner, D. Stewart, Distel.

To amend section 4729.51 of the Revised Code to allow the sale of oxygen to an individual who holds a valid certificate from a nationally recognized S.C.U.B.A. diving school, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 98, 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
Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wilson	Wolpert	Woodard	Yates
Young			Householder-98.

The bill passed.

Representative Faber moved to amend the title as follows:

Add the names: "Barrett, Beatty, Carano, Chandler, Cirelli, DeBose, C. Evans, D. Evans, Gilb, Grendell, Hartnett, Hughes, Jolivette, Latta, Otterman, S. Patton, Reidelbach, Schlichter, Schmidt, Seaver, Setzer, Strahorn, Willamowski, Yates, Young."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. B. No. 75**-Representatives Buehrer, Olman, T. Patton, Gilb, Wagner, Webster, Kearns, Husted, Flowers, Cates, Hoops, McGregor, Calvert, Aslanides, Jerse, Carano, DeBose, Allen, Distel, DePiero, Young, Faber, Gibbs, Oelslager, Carmichael, Schmidt, Perry, Strahorn, J. Stewart, C. Evans, D. Evans, Boccieri, Latta, Driehaus, Grendell, Clancy, Brown, Schaffer, Setzer, Chandler, Seaver, Woodard, Reidelbach, Williams, Taylor, Hartnett, Callender.

To amend section 3313.616 of the Revised Code to grant high school diplomas to veterans of the Korean Conflict and to expand eligibility for diplomas to certain non-resident veterans who attended Ohio high schools, 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 1, 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	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	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	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wilson
Wolpert	Woodard	Yates	Young
			Householder-97.

Representative Brinkman voted in the negative-1.

The bill passed.

Representative Buehrer moved to amend the title as follows:

Add the names: "Barrett, Beatty, Book, Cirelli, Collier, Core, Daniels, Domenick, Hagan, Harwood, Hollister, Hughes, Key, Koziura, Martin, Mason, Miller, Niehaus, Otterman, S. Patton, Peterson, Price, Raga, Redfern, Schlichter, Schneider, Skindell, G. Smith, S. Smith, D. Stewart, Sykes, Trakas, Walcher, White, Widener, Widowfield, Willamowski, Wolpert, 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 adopted the following concurrent resolution in which the concurrence of the House is requested:

#### **S. C. R. No. 9 - Senator Hottinger**

Honoring the Newark Catholic High School baseball team as the 2003 Division IV State Champion.

Attest:

MATTHEW T. SCHULER,  
Clerk

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

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:

**H. C. R. No. 17** - Representatives Niehaus, Driehaus, Clancy, Buehrer, Peterson, Hughes, Schlichter, Beatty, T. Patton, Carano, Allen

Recognizing Youth Sports Day, June 11, 2003

Attest:

MATTHEW T. SCHULER,  
Clerk

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on June 17, 2003, signed the following:

**Am. Sub. S.B. No. 5** - Senator Jacobson, et al.

**Sub. H.B. No. 25** - Representative Gibbs, et al.

**Am. H.B. No. 72** - Representative Oelslager, et al.

On motion of Representative Cates, the House adjourned until Wednesday, June 18, 2003 at 1:30 o'clock p.m.

Attest:

LAURA P. CLEMENS,  
Clerk.