

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, AUGUST 12, 2003

## EIGHTY-FIFTH DAY

Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, August 12, 2003 at 3:00 o'clock p.m.**

The House met pursuant to adjournment.

Prayer was offered by Reverend Megan Stewart-Sicking of the Trinity Episcopal Church 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:

Alysha Gossel received HR 118, presented by Representative Schaffer-5th district.

Debbie Schlichter, wife, Representative Schlichter-85th district.

Lucienne Driehaus, wife, and children Alex, Clare, and Jack, Representative Driehaus-31st district.

Sandy Evans, wife, Representative Evans-71st district.

Thomas Harwood, husband, Representative Harwood-65th district.

Kimberly Willamowski, daughter, Representative Willamowski-4th district.

Curt Hartman, a guest of Representative Niehaus-88th district.

Jeffrey and Ross Hardin, guests of Representative Schmidt-66th district.

Danielle Bergman, a guest of Representative Kearns-72nd district.

Dan, Ursula, Sebastian and Christina Schaffer, relatives of Representative Schaffer-5th district.

The Gossel family, guests of Representative Schaffer-5th district.

Ryan Keenan and Ryan Clark, guests of Representative Wolpert-23rd district.

Robert Killins, a guest of Representative Yates-33rd district.

Dr. Anne Eiting Klamar, a guest of Representative Faber-77th district.

Andrea Faber, wife, Representative Faber-77th district.

**INTRODUCTION OF BILLS**

The following bills were introduced:

**H. B. No. 258**-Representatives Trakas, Willamowski, Williams, Schaffer, Reidelbach, Cates, Brinkman, Fessler, Gilb, Buehrer, Husted, Hughes, Young,

Aslanides, Seitz, Calvert, Seaver.

To amend sections 5747.01, 5747.011, 5747.012, 5747.02, 5747.05, 5747.054, 5747.13, 5747.22, and 5748.01, and to repeal sections 5747.24 and 5747.25 of the Revised Code to require that capital gains be taxed separately from other sources of income, to provide for the phasing-out of the capital gains tax, and to establish new income tax domicile tests.

**H. B. No. 259**-Representatives Harwood, Kearns, Seitz, Oelslager, Carano, Cirelli, Strahorn.

To amend sections 3714.01, 3714.02, 3714.03, 3714.04, 3714.05, and 3714.06, to enact new section 3714.07 and sections 3714.051, 3714.101, and 3714.30 to 3714.40, and to repeal section 3714.07 of the Revised Code to replace the construction and demolition debris facility license fee with a disposal fee, to amend the definition of "construction and demolition debris," to revise the siting criteria for a construction and demolition debris facility, to require background checks for the operation of such a facility, and to require post-closure bonding for certain construction and demolition debris facilities.

**H. B. No. 260**-Representatives Daniels, McGregor, Seitz, J. Stewart, Core, Webster, Gilb.

To amend sections 5719.041 and 5731.23 of the Revised Code to reduce the rate at which interest accrues on estate tax and personal property tax overpayments.

Said bills were considered the first time.

### **REPORTS OF CONFERENCE COMMITTEES**

Representative Setzer submitted the following report:

The Committee of Conference, to which the matters of difference between the two houses were referred on Am. Sub. H.B. 3, Representative Schlichter - et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the Senate with the following amendments:

In line 92, delete "3317.01,"; delete "3317.03,"

In line 242, delete "(b)" and insert "(c)"

In line 1424, after "house" insert "of representatives"

In line 1832, delete "buildings" and insert "building's"

In line 1887, after "division" insert "(E)(1)(b) or"

In line 1895, after "divisions" insert "(E)(1)(b) and"

In line 1898, after "division" insert "(E)(1)(b) or"

In line 1907, delete "division" and insert "divisions (E)(1)(b) and"

In line 2737, after "first" insert "full"

Delete lines 3464 through 3612

Delete lines 3776 through 4241

In line 4778, delete "3317.01,"

In line 4779, delete "3317.03,"

In line 4797, delete "the version of"

In line 4798, delete "that is scheduled to take effect July 1, 2003,"

In line 4895, delete "the"; delete "version of"

In line 4896, delete "that is scheduled to take effect July 1, 2003,"

Delete lines 4898 and 4899

In line 4900, delete "7" and insert "6"

In line 5007, delete "8" and insert "7"

In line 5010, delete "9" and insert "8"; delete "7" and insert "6"; delete "8" and insert "7"

In line 5012, delete "10" and insert "9"

In line 5019, delete "11" and insert "10"

In line 5047, delete "12" and insert "11"

In line 5058, delete "13" and insert "12"

In line 5081, delete "14" and insert "13"

In line 5100, delete "15" and insert "14"

In line 5129, delete "16" and insert "15"

In line 5136, delete "17" and insert "16"

In line 5148, delete "18" and insert "17"

In line 5160, delete "19" and insert "18"

In line 5164, delete "20" and insert "19"

In line 5180, delete "21" and insert "20"

In line 5200, delete "22" and insert "21"

In line 5243, delete "23" and insert "22"

In line 5249, delete "24" and insert "23"

In line 5251, delete "Section"

Delete lines 5252 and 5253

In line 5254, delete "Am. Sub. S.B. 1 of the 124th General Assembly."

In line 5258, delete "composites are" and insert "composite is"; delete "versions" and insert "version"; delete "sections" and insert "section"

In line 5259, delete "sections" and insert "section"

In line 5261, delete "25" and insert "24"

In line 4 of the title, after "3313.532," insert "3313.608,"

In line 7 of the title, delete "3317.01, "; delete "3317.03,"

In line 17 of the title, delete "Ohio Graduation Tests" and insert "achievement tests"

In line 42 of the title, delete "disaggregations" and insert "disaggregation"

In line 58 of the title, delete "to require"

Delete line 59 of the title

In line 60 of the title, delete "beginning in FY 2005;"

In line 79 of the title, delete everything after the semicolon

Delete lines 80 through 82 of the title

In line 83 of the title, delete "effective date;"

In line 86 of the title, delete "provision" and insert "provisions"

Managers on the Part of the  
House of Representatives

Managers on the Part of the  
Senate

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Arlene J. Setzer

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Robert A. Gardner

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John M. Schlichter

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Randy Gardner

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William J. Hartnett

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C.J. Prentiss

The question being, "Shall the emergency clause stand as part of the report of the committee of Conference?"

The yeas and nays were taken and resulted - yeas 89, nays 6, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Boccieri	Book	Brown
Buehrer	Callender	Calvert	Carano
Carmichael	Chandler	Cirelli	Clancy
Collier	Core	Daniels	DeBose

DePiero	DeWine	Distel	Domenick
Driehaus	C. Evans	D. Evans	Flowers
Gibbs	Gilb	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Husted	Jerse	Jolivette	Kearns
Key	Kilbane	Latta	Martin
Mason	McGregor	Miller	Niehaus
Oelslager	Otterman	S. Patton	T. Patton
Perry	Peterson	Price	Raga
Raussen	Redfern	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	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
			Householder-89.

Representatives Brinkman, Faber, Fessler, Grendell, Koziura, and Seaver voted in the negative-6.

Having received the required constitutional majority, the emergency clause stood as part of the report of the committee of Conference.

The question being, "Shall the report of the committee of Conference be agreed to as an emergency measure?"

The yeas and nays were taken and resulted - yeas 87, nays 8, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Blasdel	Brown	Buehrer	Callender
Calvert	Carano	Carmichael	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	Otterman
S. Patton	T. Patton	Perry	Peterson
Price	Raga	Raussen	Redfern
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	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		Householder-87.

Representatives Bocchieri, Book, Brinkman, Fessler, Grendell, Jerse,

Koziura, and Seaver voted in the negative-8.

The report of the committee of Conference was agreed to as an emergency measure.

### MOTIONS AND RESOLUTIONS

Representative Trakas moved that majority party members asking leave to be absent or absent the week of Tuesday, August 12, 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, August 12, 2003, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

Representative Clancy moved that House Rules be suspended and that the following resolutions be read by title only and brought up for immediate adoption:

**H. R. No. 116** - Representative DeWine, et al.  
HONORING DR. VINCENT J. RUSSO ON HIS RETIREMENT.

**H. R. No. 117** - Representative DeWine, et al.  
HONORING GENERAL LESTER L. LYLES ON HIS RETIREMENT.

**H. R. No. 118** - Representative Schaffer.  
HONORING ALYSHA GOSSEL AS A 2003 DIVISION I STATE TRACK AND FIELD CHAMPION.

The motion was agreed to.

The question being, "Shall the resolutions be adopted?"

The resolutions were adopted.

### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has agreed to the report of the Committee of Conference on matters of difference between the two houses on

**Am. Sub. H.B. No. 3** - Representative Schlichter, et al.

Attest:

Matthew T. Schuler,  
Clerk

## MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on August 12, 2003 signed the following:

**Am. Sub. H.B. No. 3** - Representative Schlichter, et al.

On motion of Representative Clancy, the House adjourned until Thursday, August 14, 2003 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.