

OHIO

House

of

Representatives

JOURNAL

THURSDAY, SEPTEMBER 18, 2003

NINETY-SEVENTH DAY

Hall of the House of Representatives, Columbus, Ohio
Thursday, September 18, 2003 at 1:00 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Reverend Mike Thomas of the Wesleyan Church in Nelsonville, 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:

Bob Evans received H. R. No. 125, presented by Representative C. Evans-87th district.

Alicia Halley received H. R. No. 126, presented by Representative C. Evans-87th district.

Jennette Sandstrom, Jeanine and Chance Roberts, guests of Representative Setzer-36th district.

Students from Kent State University's Columbus Program, guests of Representative Chandler-68th district.

Members of the Nelsonville Wesleyan Church, guests of Speaker Householder-91st district and Representative J. Stewart-92nd district.

Dean Brown and Barry Dorsey, guests of Representative C. Evans-87th district.

Stan, Tammy, Russ, Bonnie, Steve, Becky, David, and Janice Evans, Robert and Ilene Lane, and Debbie Donskow, guests of Representative C. Evans-87th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 282-Representatives Flowers, Martin, Seitz, Setzer, Allen.

To amend section 3903.28 of the Revised Code to lengthen the time period during which the liquidator of an insolvent insurance company may void certain preferential transfers of property by the company to a creditor.

H. B. No. 283-Representatives J. Stewart, Aslanides, Carano, Cirelli, Daniels, Fessler, Gibbs, Gilb, Husted, Kearns, Setzer, Taylor, Webster, Willamowski.

To amend sections 102.02, 102.022, 145.04, 145.05, 171.04, 742.03, 3307.05, 3307.06, 3309.05, 3309.07, 3309.09, and 5505.04 of the Revised

Code to require state retirement system board members to file financial disclosure statements with the Ohio Ethics Commission, to remove the attorney general and auditor of state from the retirement system boards, to require the Ohio Retirement Study Council to have independent fiduciary performance audits of the state retirement systems conducted, and to amend the version of section 102.02 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. 284-Representative Yates.

To amend sections 5743.02 and 5743.32 of the Revised Code to increase the cigarette tax and to devote part of the increased revenue to the Tobacco Use Prevention and Control Endowment Fund.

Said bills were considered the first time.

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

Representative Cirelli submitted the following report:

The standing committee on Health to which was referred **H. B. No. 189**-Representative Blasdel, having had the same under consideration, reports it back and recommends its passage.

RE: PODIATRISTS - INDEPENDENT HOSPITAL ADMISSIONS

Representative Jolivette moved to amend the title as follows:

Add the names: "Schneider, S. Smith, Olman, Harwood, Martin, Fessler, Reidelbach, G. Smith, Hoops."

JAMES M. HOOPS	EARL MARTIN
JOHN J. WHITE	MERLE GRACE KEARNS
CHARLES R. BLASDEL	JOYCE BEATTY
LYNN E. OLMAN	SHIRLEY A. SMITH
TYRONE K. YATES	GREGORY JOLIVETTE
NANCY P. HOLLISTER	GEOFFREY C. SMITH
LINDA REIDELBACH	MICHELLE G. SCHNEIDER
CATHERINE L. BARRETT	MICHAEL DEBOSE
SANDRA STABILE HARWOOD	EDWARD JERSE
DIANA M. FESSLER	

The report was agreed to.

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

Representative Wilson submitted the following report:

The standing committee on Rule and Reference to which was re-referred **H. B. No. 106-** Representative Williams, et al., having had the same under consideration, recommends its re-referral to the committee on Juvenile and Family Law.

RE: DYS RELEASE - RECORDS/ASSIGNMENT TO SCHOOL

CHRIS REDFERN	LARRY HOUSEHOLDER
GARY W. CATES	PATRICIA M. CLANCY
JAMES PETER TRAKAS	JON M. PETERSON
CHARLES CALVERT	JIM HUGHES
LARRY L. FLOWERS	THOMAS F. PATTON
JOHN SCHLICHTER	JIM CARMICHAEL
KATHLEEN WALCHER	ROBERT J. OTTERMAN
JOYCE BEATTY	EDWARD JERSE
KENNETH A. CARANO	DIXIE J. ALLEN
CHARLES A. WILSON	

The report was agreed to.

The bill was ordered to be engrossed and rereferred to the committee on Juvenile and Family Law .

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

H. B. No. 275 - Representatives Key, et al.

TO PROVIDE COLLEGE SCHOLARSHIPS TO CHILDREN OF MEMBERS OF THE UNITED STATES ARMED FORCES KILLED OR DISABLED IN THE LINE OF DUTY DURING OPERATION IRAQI FREEDOM AND TO SPOUSES AND QUALIFYING FORMER SPOUSES OF MEMBERS OF THE UNITED STATES ARMED FORCES KILLED IN THE LINE OF DUTY DURING OPERATION IRAQI FREEDOM

To the committee on Finance and Appropriations

H. B. No. 276 - Representatives Niehaus, et al.

TO REVISE THE LAW GOVERNING COASTAL MANAGEMENT AND THE CONTROL OF EROSION ALONG LAKE ERIE

To the committee on Energy and Environment

H. B. No. 277 - Representatives Beatty, et al.

TO PROHIBIT THE UNAUTHORIZED BURNING OF A CROSS OR OTHER RELIGIOUS SYMBOL

To the committee on Criminal Justice

H. B. No. 278 - Representatives Niehaus, et al.

TO DECLARE THAT THE DIVISION OF MINERAL RESOURCES

MANAGEMENT IN THE DEPARTMENT OF NATURAL RESOURCES HAS EXCLUSIVE AUTHORITY TO REGULATE THE PERMITTING, LOCATION, AND SPACING OF OIL AND GAS WELLS IN THE STATE, AND TO REVISE THE LAWS GOVERNING THE DRILLING OF OIL AND GAS

To the committee on Energy and Environment

H. B. No. 279 - Representative Redfern.

TO ADD ONE JUDGE TO THE ERIE COUNTY COURT OF COMMON PLEAS, TO REALLOCATE JURISDICTIONAL RESPONSIBILITIES OF CURRENT JUDGES OF THE ERIE COUNTY COURT OF COMMON PLEAS, TO AMEND THE VERSION OF SECTION 2301.03 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, AND TO DECLARE AN EMERGENCY

To the committee on Judiciary

H. B. No. 280 - Representative Core.

TO CREATE THE DOMESTIC RELATIONS-JUVENILE-PROBATE DIVISION OF THE LOGAN COUNTY COURT OF COMMON PLEAS AND TO ADD ONE JUDGE TO THE LOGAN COUNTY COURT OF COMMON PLEAS TO BE ELECTED IN 2004, TO AMEND THE VERSION OF SECTION 2301.03 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, AND TO DECLARE AN EMERGENCY

To the committee on Judiciary

H. J. R. No. 10 - Representatives Yates, et al.

TO ELIMINATE THE TERMS LIMITS AND RESTRICTIONS ON RETURNING TO OFFICE THAT APPLY TO MEMBERS OF THE GENERAL ASSEMBLY AND TO MEMBERS OF CONGRESS

To the committee on State Government

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 House Joint Resolution 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 House Joint Resolution 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 Concurrent Resolutions be introduced and referred to the following committees for consideration:

H. Con. R. No. 25 - Representative Wilson.

TO MEMORIALIZE THE CONGRESS OF UNITED STATES TO SUPPORT EFFORTS TO ESTABLISH NATIONAL FUNERAL SERVICE EDUCATION WEEK

To the committee on Human Services

Add the names: "Flowers, Carano, Allen, Hughes, Beatty, T. Patton, Peterson, Clancy."

H. Con. R. No. 26 - Representatives Gilb, Brinkman, Buehrer, Cates, Faber, Flowers, Grendell, Husted, McGregor, Niehaus, Reidelbach, White, Williams, Wolpert.

CONFIRMING THE TEN COMMANDMENTS AS THE MORAL UNDERPINNING OF THE STATE GOVERNMENT OF OHIO, THE LAWS OF OHIO, AND THE AUTHORITY OF THE GENERAL ASSEMBLY AS THE REPRESENTATIVES OF THE PEOPLE OF OHIO

To the committee on State Government

Add the names: "Clancy, Wilson, Allen, Schlichter, T. Patton."

/s/ LARRY HOUSEHOLDER

LARRY HOUSEHOLDER, Chair

Representative Cates moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be introduced and referred as recommended.

The motion was agreed to.

Said resolutions were introduced and referred as recommended.

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

H.R. No. 131 - Representative Wilson.

TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO SUPPORT EFFORTS TO ESTABLISH NATIONAL FUNERAL SERVICE EDUCATION WEEK.

The motion was agreed to.

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

The resolution was adopted.

Representative Trakas moved that majority party members asking leave to be absent or absent the week of Wednesday, September 17, 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, September 17, 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

Sub. H. B. No. 71-Representatives Peterson, Hughes, Wolpert, Kearns, Carano, G. Smith, Allen, Aslanides, DeBose.

To amend section 4731.65 and to enact sections 3701.353 and 4731.661 of the Revised Code to prohibit discrimination against an applicant for hospital staff membership or professional privileges solely on the basis of whether the applicant has an ownership or investment interest in a special hospital, halt for two years new projects related to for-profit special hospitals unless a certificate of intent has been filed, to create the Special Hospitals Study Committee, to require written disclosure of physician financial interests in for-profit special hospitals, and to terminate certain provisions of this act on the date that is two years after its effective date by amending section 4731.65 and repealing section 3701.353 of the Revised Code on that 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 73, nays 23, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Beatty
Boccieri	Book	Brown	Callender
Carano	Carmichael	Cates	Chandler
Clancy	Core	Daniels	DeBose
DePiero	DeWine	Distel	Domenick
Driehaus	C. Evans	Flowers	Hagan
Hartnett	Harwood	Hoops	Hughes
Husted	Jerse	Jolivette	Kearns
Key	Koziura	Latta	Martin
Mason	Miller	Oelslager	Olman
Otterman	S. Patton	T. Patton	Perry
Peterson	Price	Raga	Reinhard
Schaffer	Schlichter	Seaver	Setzer
Sferra	Skindell	G. Smith	S. Smith
D. Stewart	J. Stewart	Sykes	Taylor
Trakas	Ujvagi	Wagner	Walcher
White	Widener	Widowfield	Williams
Wilson	Wolpert	Woodard	Yates
			Householder-73.

Those who voted in the negative were: Representatives

Blasdel	Brinkman	Buehrer	Calvert
Cirelli	D. Evans	Faber	Fessler
Gibbs	Gilb	Grendell	Hollister
McGregor	Niehaus	Raussen	Reidelbach
Schmidt	Schneider	Seitz	Strahorn
Webster	Willamowski		Young-23.

The bill passed.

Representative Peterson moved to amend the title as follows:

Add the names: "Beatty, Martin, Redfern."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 50-Senators Schuring, Stivers, Austria, Schuler, Coughlin, Fedor, Miller, Brady, Jacobson, Goodman, Harris, Randy Gardner, Robert Gardner, Hagan, Amstutz, Fingerhut, Dann, Spada, Roberts. -Representatives Latta, Willamowski, Faber, Grendell, D. Evans, Oelslager.

To amend sections 109.42, 2919.25, 2919.251, 2919.26, and 2919.27 of the Revised Code to enhance the penalty for domestic violence for certain repeat offenders, to expand the authority for the issuance of a criminal domestic violence temporary protection order, to make other changes regarding criminal domestic violence temporary protection orders and victims' bill of rights, and to enhance the penalty for violating a protection order while committing a felony offense, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 95, 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	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	Jolivet	Kearns	Key
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		Householder-95.

Representative Brinkman voted in the negative-1.

The bill passed.

Representative Latta moved to amend the title as follows:

Add the names: "Allen, Aslanides, Beatty, Boccieri, Calvert, Carano, Chandler, Cirelli, Daniels, DeBose, Distel, Domenick, C. Evans, Flowers, Gilb, Harwood, Hughes, Jerse, Latta, Martin, Mason, McGregor, Niehaus, Otterman, S. Patton, T. Patton, Perry, Price, Raussen, Schaffer, Schlichter, Schmidt, Schneider, Seaver, Setzer, Sferra, Skindell, G. Smith, S. Smith, D. Stewart, J. Stewart, Sykes, Taylor, Ujvagi, Wagner, Walcher, Widowfield."

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 Tuesday, September 23, 2003 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.