

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, OCTOBER 8, 2003

ONE HUNDRED THIRD DAY

Hall of the House of Representatives, Columbus, Ohio
Wednesday, October 8, 2003 at 1:30 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor John Jackson of the Faith Lutheran Church in Jackson, 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 Gibsonburg High School softball team received H.R. 94, presented by Representative Wagner-81st district.

The Sterling Elementary fourth grade class, guests of Representative Carmichael-3rd district.

Shannon Hardin, Casey Cook, and interns from the Columbus Alternative High School, guests of Representative Price-26th district.

Bill Kinney, a guest of Representative Widowfield-42nd district.

Carol Cornett and students from Wright State University, guests of Representative Kearns-72nd district.

Ray and Marilyn Schneider, guests of Representative Kearns-72nd district.

Dr. Susan Bon and students from Ashland University, guests of Representative Hartnett-73rd district.

Members from the Youth and Adult Leadership of Mercer County, guests of Representative Faber-77th district.

Jackie Aldridge and Jim Vallance, guests of Representative Wagner-81st district.

Bobby Moore and Ritzen Thaler, guests of Representatives Widener-84th district and Wolpert-23rd district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 296-Representatives Barrett, Beatty, Miller, Kearns, Ujvagi, Allen, Key, Price, Harwood, Skindell.

To enact sections 173.10 and 5111.95 of the Revised Code to create an assisted living program to be administered by the Department of Aging pursuant to a home and community-based services waiver from the United States Secretary of Health and Human Services.

H. B. No. 297-Representatives Buehrer, Hoops, Setzer, Gilb, Schaffer, Trakas, Husted, Latta, Gibbs.

To amend section 4117.03 of the Revised Code to prohibit collective bargaining between county boards of elections and their employees.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Hartnett submitted the following report:

The standing committee on Education to which was referred **H. B. No. 162**-Representative Webster, et al., having had the same under consideration, reports it back and recommends its passage.

RE: STATE UNIV CREDIT CARD - OPEN TO PRIVATE

Representative Setzer moved to amend the title as follows:

Add the names: "Setzer, DeBose, Carano, Williams, Kearns, C. Evans."

WILLIAM J. HARTNETT
ARLENE J. SETZER
MERLE GRACE KEARNS
KENNETH A. CARANO
DERRICK SEAVER
STEVE REINHARD
TYRONE K. YATES
JAMES M. HOOPS
MARY TAYLOR

SHAWN N. WEBSTER
CLYDE EVANS
BRYAN C. WILLIAMS
L. GEORGE DISTEL
CLAUDETTE J. WOODARD
LINDA REIDELBACH
MICHAEL DEBOSE
KEVIN DEWINE
DIANA M. FESSLER

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 **H. B. No. 163**-Representative Oelslager, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: REPEAT OMVI/OMVUAC-ADDITIONAL PRISON TERM

Representative Latta moved to amend the title as follows:

Add the names: "Willamowski, Brown."

ROBERT E. LATTA
TIMOTHY J. GRENDALL
KEITH L. FABER
DAVID R. EVANS

WILLIAM J. SEITZ
JAMIE CALLENDER
EDNA BROWN
THOM COLLIER

JOHN R. WILLAMOWSKI
 DEAN E. DEPIERO
 STEPHEN BUEHRER
 MIKE GILB

EDWARD JERSE
 TYRONE K. YATES
 ANNIE L. KEY

The report was agreed to.

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

Representative Book submitted the following report:

The standing committee on Civil and Commercial Law to which was referred **H. B. No. 212**-Representative Seitz, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: JUDGEMENT/CONTRACT INTEREST/TORT DAMAGES

Representative Seitz moved to amend the title as follows:

Add the names: "Latta, Widener, Harwood, Book."

SANDRA STABILE HARWOOD
 TODD BOOK
 CHRIS WIDENER
 JOHN R. WILLAMOWSKI
 TONY CORE

JOYCE BEATTY
 WILLIAM J. SEITZ
 TIMOTHY J. GRENDELL
 JAMIE CALLENDER

The report was agreed to.

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

Representative Chandler submitted the following report:

The standing committee on County and Township Government to which was referred **Sub. S. B. No. 82**-Senator Amstutz, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CTYS - CREDIT CARDS/CERTIF AVAILABLE FUNDS

Representative Wolpert moved to amend the title as follows:

Add the names: "Representatives Wolpert, Daniels, Cirelli, Collier, Domenick, Flowers, McGregor, Price, Schlichter, Sferra, Skindell, Ujvagi, Wagner, Walcher"

JEFF WAGNER
 MARY M. CIRELLI
 DAVID DANIELS
 THOM COLLIER
 JOHN DOMENICK
 PETER UJVAGI
 DANIEL J. SFERRA

MICHAEL J. SKINDELL
 LARRY L. WOLPERT
 JIM MCGREGOR
 KATHLEEN WALCHER
 LARRY PRICE
 JOHN SCHLICHTER
 LARRY L. FLOWERS

The report was agreed to.

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

Representative Chandler submitted the following report:

The standing committee on County and Township Government to which was referred **H. B. No. 194**-Representative Schneider, et al., having had the same under consideration, reports it back and recommends its passage.

RE: COUNTY - PERFORM TRANSPORTATION DISTRICT FUNCTIONS

Representative Wolpert moved to amend the title as follows:

Add the names: "Ujvagi, Flowers, McGregor, Schlichter, Walcher, Domenick, Sferra, Cirelli, Price, Wolpert."

JEFF WAGNER
DAVID DANIELS
KATHLEEN WALCHER
JOHN SCHLICHTER
MARY M. CIRELLI
LARRY PRICE
LARRY L. FLOWERS

MICHAEL J. SKINDELL
JIM MCGREGOR
PETER UJVAGI
JOHN DOMENICK
DANIEL J. SFERRA
LARRY L. WOLPERT
THOM COLLIER

The report was agreed to.

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

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. 282 - Representatives Flowers, et al

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

To the committee on Insurance

H.B. No. 283 - Representatives J. Stewart, et al

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

To the committee on Banking, Pensions, and Securities

H.B. No. 284 - Representative Yates

TO INCREASE THE CIGARETTE TAX AND TO DEVOTE PART OF THE INCREASED REVENUE TO THE TOBACCO USE PREVENTION AND CONTROL ENDOWMENT FUND

To the committee on Finance and Appropriations

H.B. No. 285 - Representative Grendell

TO EXEMPT FROM THE SALES TAX MOTOR VEHICLE TOWING SERVICE THAT IS PROVIDED BY AN AUTOMOBILE CLUB

To the committee on Ways and Means

H.B. No. 286 - Representatives Skindell, et al

TO PROHIBIT THE AWARD OF STATE CONTRACTS AND TAX CREDITS AND THE USE OF STATE MONEYS FOR LOANS, GRANTS, OR OTHER ASSISTANCE TO EXPATRIATE CORPORATIONS

To the committee on State Government

H.B. No. 287 - Representatives Bocchieri, et al

TO REQUIRE PUBLIC AND CHARTERED NONPUBLIC SCHOOLS TO TEST STUDENTS FOR DYSLEXIA AND RELATED DISORDERS AND TO PROVIDE INTERVENTION SERVICES TO STUDENTS IDENTIFIED AS HAVING DYSLEXIA OR A RELATED DISORDER

To the committee on Education

H.B. No. 288 - Representatives Faber, et al

TO MODIFY THE COOPERATIVE LAW

To the committee on Agriculture and Natural Resources

H.B. No. 289 - Representatives Hollister, et al

TO AFFIRM DECEMBER 31, 2005, AS THE TERMINATION DATE FOR THE MARKET DEVELOPMENT PERIOD OF AN INCUMBENT ELECTRIC UTILITY FOR ALL ITS CUSTOMER CLASSES, EXCEPT AS AUTHORIZED BY CURRENT LAW; AND TO DECLARE AN EMERGENCY

To the committee on Public Utilities

H.B. No. 290 - Representatives Wolpert, et al

TO ESTABLISH A FORGIVABLE LOAN PROGRAM FOR GRADUATE STUDENTS AT PUBLIC AND PRIVATE COLLEGES AND UNIVERSITIES IN OHIO WHO ARE PURSUING DEGREES RELATED TO THE GOALS OF THE THIRD FRONTIER AND WHO ACCEPT EMPLOYMENT IN OHIO IN CAREERS RELATED TO THE GOALS OF THE THIRD FRONTIER FOLLOWING RECEIPT OF A MASTER'S OR DOCTORATE DEGREE

To the committee on Finance and Appropriations

H.B. No. 291 - Representatives DeBose, et al

TO INCREASE THE STATE MINIMUM WAGE

To the committee on Commerce and Labor

H.B. No. 292 - Representative Oelslager

TO ESTABLISH MINIMUM MEDICAL REQUIREMENTS FOR FILING CERTAIN ASBESTOS CLAIMS AND TO ESTABLISH LIMITATIONS ON SUCCESSOR ASBESTOS-RELATED LIABILITIES RELATING TO CORPORATIONS

To the committee on Civil and Commercial Law

H.B. No. 293 - Representatives Book, Seaver

TO REQUIRE ALL DIESEL POWERED VEHICLES THAT ARE OWNED BY THE STATE OR ITS POLITICAL SUBDIVISIONS TO OPERATE EXCLUSIVELY USING BIODIESEL FUEL BEGINNING JUNE 1, 2005, AND TO REQUIRE ALL DIESEL FUEL SOLD IN OR IMPORTED INTO THE STATE TO CONTAIN AT LEAST FIVE PER CENT BIODIESEL BEGINNING JUNE 1, 2006

To the committee on Transportation and Public Safety

H.J.R. No. 11 - Representatives S. Smith, et al

TO LENGTHEN THE TERM OF STATE REPRESENTATIVES FROM TWO TO FOUR YEARS AND TO PROHIBIT STATE REPRESENTATIVES AND SENATORS FROM SERVING MORE THAN THREE CONSECUTIVE FOUR-YEAR TERMS

To the committee on State Government

LARRY HOUSEHOLDER
 CHARLES CALVERT
 PATRICIA M. CLANCY
 JIM HUGHES
 JON M. PETERSON
 JAMES PETER TRAKAS
 JOYCE BEATTY
 EDWARD JERSE
 CHARLES A. WILSON

GARY W. CATES
 JIM CARMICHAEL
 LARRY L. FLOWERS
 THOMAS F. PATTON
 JOHN SCHLICHTER
 KATHLEEN WALCHER
 KENNETH A. CARANO
 ROBERT J. OTTERMAN

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 all House Bills and the 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 Resolutions and House Concurrent Resolution be read by title only and approved:

H.R. No. 132 - Representative Carano

HONORING JENNIFER YAZBEK ON BEING CROWNED MISS DEAF OHIO 2003

Add the names: "Allen, Beatty Calvert, Carmichael, Cates, Flowers, Hughes, T. Patton, Peterson, Schlichter, Walcher, Wilson"

H.R. No. 133 - Representative Schmidt

HONORING HOFFMAN AUTO RACING AS THE WINNINGEST UNITED STATES AUTO CLUB IN TEAM HISTORY

Add the name: "Clancy"

H.R. No. 134 - Representative Olman

HONORING SARAH TROUTMAN ON WINNING FIRST PLACE IN THE 2003 NATIONAL SKILLS USA-VICA COMPETITION

Add the names: "Calvert, Hughes, T. Patton"

H.R. No. 135 - Representative Olman

HONORING MATT CHERRY ON WINNING FIRST PLACE IN THE 2003 NATIONAL SKILLS USA-VICA COMPETITION

Add the names: "Calvert, Hughes, T. Patton, Walcher"

H. Con. R. No. 27 - Representatives Flowers, White, McGregor, DeWine, S. Patton, J. Stewart, Sykes, Oelslager, Seitz, Williams, Chandler, Webster, Setzer, Price, Beatty, Carano, Miller, Olman, Hoops

TO ENDORSE THE PROCLAMATION BY THE AMERICAN ADHESION SUPPORT GROUP OF THE FOURTH THURSDAY OF EACH

SEPTEMBER AS ADHESION RELATED DISORDER AWARENESS DAY
Add the names: "Allen, Calvert, Hughes"

/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 approved.

The motion was agreed to.

Representative Trakas moved that majority party members asking leave to be absent or absent the week of Tuesday, October 7, 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, October 7, 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. 168-Representatives Trakas, Calvert, Koziura, Carano, Aslanides, S. Patton, Miller, D. Stewart, Reidelbach, J. Stewart, G. Smith, Otterman, Seitz.

To amend sections 135.22, 135.341, 135.35, 319.302, 321.24, 321.46, 323.121, 323.31, 4503.06, 5713.20, 5719.051, 5721.10, 5721.30, 5721.31, 5721.32, 5721.33, 5721.34, 5721.37, 5721.38, 5721.39, 5721.40, and 5721.41 and to enact sections 321.47 and 5721.43 of the Revised Code to establish procedures for suspending the investment and portfolio management authority of a county treasurer who fails to meet the initial or continuing education requirements and transfer this authority to a county's investment advisory committee, to modify the investment authority of county treasurers, specify when penalties may be imposed on property subject to delinquent tax contracts, modify the authority of a county treasurer to compensate tax collectors of personal property taxes, modify procedures for the sale and redemption of tax certificates, prohibit certain contacts between tax certificate holders and property owners, and make other changes related to the administration of laws relating to real property, public utility property, and manufactured home taxes, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 92, 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	Cirelli
Clancy	Collier	Core	Daniels
DeBose	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	Otterman	S. Patton	T. Patton
Perry	Peterson	Price	Raga
Raussen	Redfern	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Skindell

G. Smith	D. Stewart	J. Stewart	Strahorn
Sykes	Taylor	Trakas	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Wilson	Wolpert
Woodard	Yates	Young	Householder-92.

The bill passed.

Representative Trakas moved to amend the title as follows:

Add the names: "Beatty, Blasdel, Buehrer, Callender, Cates, Collier, Domenick, C. Evans, D. Evans, Flowers, Grendell, Hagan, Hartnett, Hoops, Jolivette, Niehaus, T. Patton, Peterson, Redfern, Schaffer, Schmidt, Schneider, Setzer, Taylor, Woodard, Young."

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, October 9, 2003 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.