

OHIO

House

of

Representatives

JOURNAL

THURSDAY, MAY 6, 2004

ONE HUNDRED SEVENTY-FIFTH DAY
Hall of the House of Representatives, Columbus, Ohio
Thursday, May 6, 2004 at 11:00 o'clock a.m.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 488-Representatives Woodard, Brown, Cirelli, Key, Redfern, Allen, DeBose, S. Patton, Barrett, Price, Hartnett, Slaby, Carano.

To amend sections 109.57 and 3319.291 of the Revised Code to require the State Board of Education to request a criminal records check of an applicant prior to issuing or renewing an educator license.

H. B. No. 489-Representative T. Patton.

To amend sections 9.312, 3313.46, 3318.091, and 3318.10 and to enact section 3318.312 of the Revised Code to require the board of education of each school district undertaking a school building construction project valued over \$25,000 to award the contract for that project only to the lowest responsible Ohio-based bidder or by board option to the lowest responsive and responsible Ohio-based bidder and to require school districts and the Ohio School Facilities Commission to contract with Ohio-based persons when contracting for professional services in support of school district construction projects.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative DeGeeter submitted the following report:

The standing committee on Juvenile and Family Law to which was referred **H. B. No. 402**-Representative Fessler, et al., having had the same under consideration, reports it back and recommends its passage.

RE: STEPPARENT ADOPTION KEEP GRANDPARENT
RELATIONSHIP

Representative Gilb moved to amend the title as follows:

Add the names: "Widowfield, S. Smith, Hollister, Willamowski."

TIMOTHY J. DEGEETER

NANCY P. HOLLISTER

SHIRLEY A. SMITH
LINDA REIDELBACH
JOHN R. WILLAMOWSKI

JOHN WIDOWFIELD
MIKE GILB
KATHLEEN WALCHER

The report was agreed to.

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

Representative Yates submitted the following report:

The standing committee on Ways and Means to which was referred **H. B. No. 371**-Representative Grendell, et al., having had the same under consideration, reports it back and recommends its passage.

RE: EMPLOYER CONTRIB - EMPLOYEE FUND - NO ESTATE TAX

Representative Kilbane moved to amend the title as follows:

Add the names: "Kilbane, Latta, Taylor, Gilb."

THOM COLLIER
TOM NIEHAUS
ROBERT E. LATTA
TIMOTHY O. SCHAFFER
WILLIAM J. HARTNETT
JIM RAUSSEN
TOM BRINKMAN

CHARLES R. BLASDEL
JIM MCGREGOR
MARY TAYLOR
SALLY CONWAY KILBANE
MIKE GILB
TONY CORE

The following members voted "NO"

STEVE L. DRIEHAUS
MICHAEL J. SKINDELL

BARBARA A. SYKES
PETER UJVAGI

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 Concurrent Resolution be introduced and referred to the following committee for consideration:

H. Con. R. No. 44- Representatives Seaver, Barrett, Chandler, DeGeeter, McGregor, Miller, Perry, Sferra

TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO
ENACT LEGISLATION THAT PROVIDE FOR RESEARCH INTO
INFLAMMATORY BOWEL DISEASE

To the committee on Health

Add the name: "T. Patton"

/s/ GARY CATES
Gary Cates, Vice Chair

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

The motion was agreed to.

Said resolution was introduced and referred as recommended.

Representative Wilson reported for the Rules and Reference Committee recommending that the following House Resolutions be read by title only and approved:

H.R. No. 232 - Representatives Ujvagi, Perry, Brown, Olman, Latta
HONORING MITCH WEISS ON WINNING A PULITZER PRIZE

H.R. No. 233 - Representatives Ujvagi, Perry, Brown, Olman, Latta
HONORING MICHAEL D. SALLAH ON WINNING A PULITZER PRIZE

H.R. No. 234 - Representatives Ujvagi, Perry, Brown, Olman, Latta
HONORING JOE MAHR ON WINNING A PULITZER PRIZE

H.R. No. 235 - Representatives Combs, Cates, Webster
HONORING HAMILTON HIGH SCHOOL BOYS BASKETBALL TEAM
AS THE 2004 DIVISION I STATE CHAMPION

H.R. No. 236 - Representative Schneider
HONORING LINDSEY GRAESSLE AS A 2004 DIVISION I STATE
SWIMMING CHAMPION

/s/ GARY CATES
Gary Cates, Vice Chair

Representative Hughes 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.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has passed the following bills in which the concurrence of the House is requested:

S. B. No. 224 - Senator Padgett

To amend section 3357.112 of the Revised Code to permit any technical college that is not co-located with another institution of higher education to acquire housing and dining facilities.

Sub. S. B. No. 71 - Senators Goodman, Harris, Amstutz, Fingerhut,

Blessing, DiDonato, Robert Gardner, Schuler, Stivers

To amend sections 2313.08, 2313.10, 2313.11, 2313.12, 2313.13, 2313.15, 2313.16, 2313.18, 2313.25, 2313.26, 2313.30, 2313.34, 2313.99, and 2945.28 and to enact section 2313.251 of the Revised Code to change the penalties for failure to attend as required by a notice for jury service and to serve as a juror, to change the circumstances under and methods by which jury service may be postponed, to provide protections for employees and small employers when employees are summoned for jury service, to eliminate the cap on juror compensation, to shorten the period of jury service after which a juror may be discharged, to allow the commissioners of jurors to establish an electronic notification system to allow jurors to be notified electronically that the juror shall attend in person the term or part of the term specified in the notice, and to make other changes to the jury selection procedures.

Attest:

Matthew T. Schuler,
Clerk.

Said bills were considered the first time.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has passed the following bills in which the concurrence of the House is requested:

Sub. S. B. No. 165 - Senators Schuring, Schuler, Fedor, Dann, Harris

To amend sections 166.06, 166.07, 166.21, 725.04, 1728.11, 1728.111, 3735.671, 5709.631, and 5709.831 and to enact section 9.661 of the Revised Code to authorize liens that may be used to secure the performance of obligations by recipients of development loans and local property tax incentives.

Sub. S. B. No. 209 - Senators Mumper, Austria, Harris, White

To amend sections 505.94, 2925.01, 4707.01, 4707.02, 4707.021, 4707.03, 4707.04, 4707.05, 4707.06, 4707.07, 4707.071, 4707.072, 4707.08, 4707.09, 4707.10, 4707.11, 4707.111, 4707.12, 4707.14, 4707.15, 4707.151, 4707.16, 4707.171, 4707.18 to 4707.22, 4707.26, and 4707.99 and to enact sections 4707.022, 4707.023, 4707.024, 4707.073, 4707.074, 4707.091, and 4707.32 of the Revised Code to revise the Auctioneers Law.

Attest: Matthew T. Schuler,
Clerk.

Said bills were considered the first time.

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. 28 - Senator Jordan

Honoring the Coldwater High School boys varsity bowling team as the 2004 Ohio High School Independent Bowling Conference 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 concurred in the passage of the following bill:

Sub. H. B. No. 59 - Representatives Kearns, Willamowski, Husted, D. Evans, Latta, Redfern, Ujvagi, Hartnett, J. Stewart, Schaffer, Carano, Seaver, Young, Harwood, Seitz, Aslanides, Key, Perry, Schlichter, Sferra, Widowfield, Allen, Beatty, Cirelli, Daniels, DeBose, DeWine, Distel, Domenick, Flowers, Hughes, McGregor, Schmidt, Setzer, Skindell, Strahorn, Taylor, Walcher, Widener, Wilson, Yates. Senators Austria, Miller, Padgett

To enact sections 5533.491, 5533.74, 5533.79, and 5533.80 of the Revised Code to designate a portion of State Route Number 4 within Clark County as the "Heritage Parkway," to designate a portion of United States Route 68 in Clark County the "Ron Burton Memorial Highway," to designate State Route Number 93 within Coshocton County the "Crile-Lower Memorial Highway," to name State Route 129 in Butler County the "Butler County Veterans

Highway," and to permit the Director of Transportation to erect markers along the highways indicating their names.

As a substitute bill, in which the concurrence of the House is requested:

Attest:

Matthew T. Schuler,
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

Sub. H. B. No. 350 - Representatives Gibbs, Wagner, Setzer, Seitz, Husted, Williams, Hollister, Young, C. Evans, Webster, Hagan, Martin, Aslanides, McGregor, Collier, Allen, Raussen, Faber, Schaffer, Seaver, Widener, Latta, Core, Willamowski, Book, Buehrer, Calvert, Carmichael, Cates, Clancy, Daniels, Distel, Domenick, D. Evans, Flowers, Gilb, Harwood, Hoops, Hughes, Niehaus, T. Patton, Peterson, Raga, Reidelbach, Reinhard, Schlichter, Schneider, Sferra, G. Smith, J. Stewart, Taylor, Trakas, Walcher, White, Wilson, Wolpert. Senators Goodman, Stivers, Amstutz, Austria, Spada, Wachtmann, Carey, Coughlin, Hottinger, Mumper, Nein, Harris, White

To amend sections 1533.18, 1775.14, 2117.06, 2125.01, 2125.02, 2125.04, 2305.01, 2305.03, 2305.10, 2305.25, 2307.011, 2307.23, 2307.29, 2307.60, 2307.71, 2307.75, 2307.80, 2315.01, 2315.21, 2315.32, 2315.33, 2315.34, 2315.36, 2323.41, 2323.43, 2323.51, 4507.07, 4513.263, and 4705.15; to enact sections 901.52, 1519.07, 2305.117, 2305.131, 2305.36, 2307.711, and 4705.16; and to repeal sections 2315.41, 2315.42, 2315.43, 2315.44, 2315.45, and 2315.46 of the Revised Code to provide a qualified immunity from civil damages to a manufacturer, seller, or supplier of a food or a nonalcoholic beverage for a claim of weight gain, obesity, or a related physical or mental health condition resulting from the consumption of the food or nonalcoholic beverage unless certain circumstances are proven by a claimant; to prohibit imputing any assurances or assumption of liability regarding public access to premises used for growing agricultural produce; to preclude assumption of liability regarding the use of recreational trails; to modify the provisions on frivolous conduct in filing civil actions; to make changes related to the award of certain damages, collateral benefits evidence, and contributory fault in tort actions; to establish a statute of repose for certain product liability claims and claims based on unsafe conditions of real property improvements and to make

other changes related to product liability claims; to provide that the product liability statutes are intended to abrogate common law product liability causes of action; to enact a conflicts of law provision for statutes of limitation in civil actions; to enact a legal consumer's bill of rights; to limit attorney contingency fees in connection with certain tort actions; to provide that a plaintiff generally may include only two defendants in an original tort action complaint; to request the Supreme Court to obtain data regarding frivolous conduct awards; and to make other changes related to civil actions.

As a substitute bill, in which the concurrence of the House is requested:

Attest: Matthew T. Schuler,
Clerk.

The Senate amendments were laid over under the Rule.

MESSAGE FROM THE SPEAKER

The Speaker of the Ohio House of Representatives, on May 5, 2004, signed the following:

Sub. H.B. No. 52 - Representative Hughes - et al.,
Am. Sub. H.B. No. 117 - Representative Widowfield - et al.

On motion of Representative Hughes, the House adjourned until Tuesday, May 11, 2004 at 11:00 o'clock a.m.

Attest: LAURA P. CLEMENS,
Clerk.