

OHIO

House

of

Representatives

JOURNAL

THURSDAY, MAY 13, 2004

ONE HUNDRED SEVENTY-EIGHTH DAY
Hall of the House of Representatives, Columbus, Ohio
Thursday, May 13, 2004 at 11:00 o'clock a.m.

The House met pursuant to adjournment.

Pursuant to House Rule No. 21, the Clerk called the House to order.

Representative T. Patton was selected to preside under the Rule.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bill was introduced:

H. B. No. 498-Representatives Faber, Buehrer, Young, Gibbs, Wagner, Seitz, Brinkman, Aslanides, Setzer, Reinhard, Combs, Hagan, Niehaus, Collier, Clancy, D. Evans, Schaffer, Fessler, Webster.

To enact new section 2745.01 and to repeal sections 2305.112 and 2745.01 of the Revised Code to replace the existing statutory provisions on employment intentional torts with a requirement that the plaintiff in a civil action based on an employment intentional tort prove that the employer acted with intent to injure another or in the belief that the injury was substantially certain to occur.

Said bill was considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 350**-Representative Gibbs, et al., were taken up for consideration.

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.

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

Representative McGregor moved that the Senate amendments to **Sub. H. B. No. 350**-Representative Gibbs, et al., be informally passed and retain their place on the calendar.

The motion was agreed to.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

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

H.B. No. 490 - Representative Skindell, et al

TO REQUIRE A PERSON SHIPPING CERTAIN RADIOACTIVE MATERIAL WITHIN OR THROUGH THIS STATE TO PROVIDE THE EMERGENCY MANAGEMENT AGENCY WITH NOTICE OF THE SHIPMENT AND PAY THE DEPARTMENT OF PUBLIC SAFETY A FEE FOR EACH SHIPMENT, AND TO ESTABLISH THE RADIATION RESPONSE FUND

To the committee on Energy and Environment

H.B. No. 491 - Representative Skindell, et al

CREATE THE HIGH-LEVEL RADIOACTIVE WASTE

TRANSPORTATION STUDY COMMISSION TO REVIEW AND
EVALUATE ISSUES RELATING TO THE TRANSPORTATION OF
HIGH-LEVEL RADIOACTIVE WASTE IN THIS STATE

To the committee on Energy and Environment

H.B. No. 492 - Representative Skindell, et al

TO REQUIRE EACH CHAIN RESTAURANT TO DISCLOSE THE
NUTRITIONAL INFORMATION FOR EACH FOOD OR BEVERAGE
ITEM PREPARED AND OFFERED FOR SALE IN THE RESTAURANT

To the committee on Health

H.B. No. 493 - Representative Hoops, et al

TO DESIGNATING THE FOURTH WEEK OF SEPTEMBER AS
"PARENT'S WEEK."

To the committee on State Government

H.B. No. 494 - Representative Wagner, et al

TO ALLOW A STATE OFFICER OR EMPLOYEE WHO IN A CIVIL
ACTION IS ALLEGED TO LACK IMMUNITY FROM PERSONAL
LIABILITY TO PARTICIPATE FULLY IN PROCEEDINGS TO
DETERMINE WHETHER THE OFFICER OR EMPLOYEE IS ENTITLED
TO PERSONAL IMMUNITY

To the committee on Civil and Commercial Law

/s/ GARY W. CATES

/s/ JIM CARMICHAEL

/s/ LARRY L. FLOWERS

/s/ THOMAS F. PATTON

/s/ JOHN SCHLICHTER

/s/ KATHLEEN WALCHER

/s/ JOYCE BEATTY

/s/ EDWARD JERSE

/s/ CHARLES CALVERT

/s/ PATRICIA M. CLANCY

/s/ JIM HUGHES

/s/ JON M. PETERSON

/s/ JAMES PETER TRAKAS

/s/ DIXIE J. ALLEN

/s/ KENNETH A. CARANO

/s/ CHARLES A. WILSON

Representative McGregor 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 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 were considered a second time and referred as recommended.

Message from the Senate

Mr. Speaker:

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

Sub. S. B. No. 202 - Senators Mumper, Austria, White, Roberts

To amend sections 317.32, 505.101, 901.21, 901.22, 917.01, 917.02, 917.031, 917.09, 917.091, 917.19, 917.22, 918.01, 918.02, 918.08, 918.11, 918.25, 918.28, 955.51 to 955.53, 3707.38, 3715.65, 5301.68, and 5301.691 of the Revised Code to revise the laws governing the inspection of meat and poultry, claims for injuries to certain animals by coyotes or black vultures, dairies, agricultural easements, and applications concerning new drugs, to authorize soil and water conservation districts to acquire agricultural easements, and to authorize a board of township trustees to enter into a contract with a soil and water conservation district, without advertising or bidding, for the purchase of services.

Attest:

Matthew T. Schuler,
Clerk.

Said bill was 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 bill in which the concurrence of the House is requested:

S. B. No. 156 - Senators Jordan, Roberts, Jacobson, Stivers, Armbruster, Carey, Fedor, Randy Gardner, Robert Gardner, Harris, Mallory, Mumper, Schuler, Wachtmann, Zurz

To enact section 5533.62 of the Revised Code to designate State Route 48 the "U.S.A.F. Pararescue Memorial Parkway."

Attest:

Matthew T. Schuler,
Clerk.

Said bill was considered the first time.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the House amendments to:

Sub. S.C.R. No. 24- Senator Schuler, et al.

Am. Sub. S.B. No. 106- Senator Carey, et al.

Attest:

Matthew T. Schuler,
Clerk.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has adopted the following concurrent resolutions in which the concurrence of the House is requested:

S.C.R. No. 29- Senator Jordan

Honoring the Preble Shawnee High School cheerleading squad as a 2004 Division III State Cheerleading Champion.

S.C.R. No. 30- Senator Jordan

Honoring the Marion Local High School cheerleading squad as a 2004 Division IV State Cheerleading and Dance Champion.

Attest:

Matthew T. Schuler,
Clerk.

Said concurrent resolutions were referred to the committee on Rules and Reference under the Rule.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on May 12, 2004, signed the following:

Sub. H.B. No. 59 - Representative Kearns - et al.

On motion of Representative McGregor, the House adjourned until Tuesday, May 18, 2004 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.