

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

**THURSDAY, MAY 20, 2004**

ONE HUNDRED EIGHTIETH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Thursday, May 20, 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 Raga was selected to preside under the Rule.

The journal of the previous legislative day was read and approved.

### INTRODUCTION OF BILLS

The following bills were introduced:

**H. B. No. 501**-Representatives Hoops, McGregor, Webster, Aslanides, Combs.

To amend section 5111.97 of the Revised Code and to enact section 5111.971 of the Revised Code to identify matters that must be addressed in rules governing Department of Job and Family Services-administered Medicaid home and community-based services programs.

**H. B. No. 502**-Representative Hughes.

To amend section 2301.02 of the Revised Code to add one additional judge for the general division of the Franklin County Court of Common Pleas to be elected in 2004.

**H. B. No. 503**-Representative Hughes.

To enact section 5.2228 of the Revised Code to designate May as Ohio Cystic Fibrosis Awareness Month.

**H. B. No. 504**-Representative Slaby.

To amend sections 2907.321, 2907.322, and 2907.323 of the Revised Code to clarify what constitutes visual representations of a minor for prosecutions of "pandering obscenity involving a minor," "pandering sexually oriented matter involving a minor," and "illegal use of a minor in a nudity-oriented material or performance."

Said bills were 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 Callender 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 Book submitted the following report:

The standing committee on Civil and Commercial Law to which was referred **H. B. No. 428**-Representative Reidelbach, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: ADULT ENTERTAINMENT ESTABLISHMENTS - REGULATE

/s/ WILLIAM J. SEITZ

/s/ JOYCE BEATTY

/s/ CHRIS WIDENER

/s/ TONY CORE

/s/ ROBERT E. LATTA

/s/ JOHN R. WILLAMOWSKI

/s/ SANDRA STABILE HARWOOD

The report was agreed to.

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

Representative Otterman submitted the following report:

The standing committee on Banking, Pensions, and Securities to which was referred **H. B. No. 449**-Representative Seitz, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: EMPLOYED RETIRANT ALTERNATIVE CONTRIBUTION  
REFUND

Representative Blasdel moved to amend the title as follows:

Add the names: "Reidelbach, Schmidt, T. Patton, G. Smith, Hughes, J. Stewart."

/s/ GEOFFREY C. SMITH

/s/ CHARLES R. BLASDEL

/s/ LINDA REIDELBACH

/s/ DIXIE J. ALLEN

/s/ JOSEPH KOZIURA

/s/ JEAN SCHMIDT

/s/ JIMMY STEWART

/s/ THOMAS F. PATTON

/s/ FRED STRAHORN

/s/ SHIRLEY A. SMITH

/s/ WILLIAM J. SEITZ

/s/ JIM HUGHES

/s/ DALE MILLER

/s/ SHAWN N. WEBSTER

/s/ CHARLES A. WILSON

/s/ BOB GIBBS

/s/ JOHN J. WHITE

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 Criminal Justice to which was referred **H. B.**

**No. 473**-Representative Hagan, et al., having had the same under consideration, reports it back and recommends its passage.

RE: SORN - REVISE - "CHANGE OF ADDRESS" REQUIRED

Representative Latta moved to amend the title as follows:

Add the names: "Latta, Collier, DeGeeter, Willamowski."

/s/ ROBERT E. LATTA

/s/ THOM COLLIER

/s/ WILLIAM J. SEITZ

/s/ EDWARD JERSE

/s/ JOHN R. WILLAMOWSKI

/s/ TYRONE K. YATES

/s/ ANNIE L. KEY

/s/ TIMOTHY J. DEGEETER

/s/ LANCE T. MASON

/s/ SHIRLEY A. SMITH

/s/ MIKE GILB

/s/ KEITH L. FABER

/s/ STEPHEN BUEHRER

The report was agreed to.

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

#### 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. 126** - Representatives Brinkman, Blasdel, Buehrer, Callender, Clancy, Collier, Daniels, DeWine, Distel, Driehaus, Faber, Fessler, Flowers, Gibbs, Gilb, Grendell, Hagan, Hughes, Husted, McGregor, Niehaus, T. Patton, Raga, Raussen, Reidelbach, Reinhard, Schneider, Seaver, Wagner, Schaffer, Seitz, Sferra, Taylor, Widowfield, Willamowski, Williams, White, Young, Kearns, Hoops, Jolivette, Aslanides, Calvert, Carmichael, Cates, DePiero, C. Evans, Martin, Schlichter, Schmidt, Setzer, Widener, Wolpert. Senators Jacobson, Jordan, Wachtmann, Amstutz, Austria, Carey, Harris, Hottinger, Schuler, Schuring, Spada, Mumper, Nein

To amend sections 4729.29, 4731.22, and 4731.223 and to enact section 2919.123 of the Revised Code regarding the provision or use of RU-486 (mifepristone) for an abortion.

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. 185** - Representatives Schmidt, Allen, Setzer, Seitz, Aslanides, C. Evans, Olman, Schneider, Schaffer, Raga, Webster, Buehrer, Skindell, Beatty, Brown, Chandler, Cirelli, Collier, Daniels, DeBose, Domenick, Hartnett, Harwood, Hughes, Jolivette, Key, Miller, Otterman, S. Patton, Perry, Price, Redfern, Reidelbach, Seaver, S. Smith, D. Stewart, J. Stewart, Strahorn, Yates.

To amend sections 9.833, 124.84, 124.841, and 505.60 of the Revised Code to permit the state and political subdivisions to pay some or all of the premium for their employees' long-term care insurance and to permit public officials and employees of political subdivisions to serve on the governing body of a joint self-insurance program of which the subdivision is a member.

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. 299** - Representatives Gibbs, Calvert, Seitz, Gilb, Raussen, Fessler, D. Evans, Faber, Collier, Kearns, Schmidt, Hartnett, Barrett, Wolpert, Wagner, Daniels, McGregor, Domenick, C. Evans, Price, Sferra, Martin, Aslanides, Book, Carano, Carmichael, Cates, Chandler, Clancy, DeBose, Distel, Flowers, Grendell, Hagan, Hollister, Hughes, Niehaus, T. Patton, Peterson, Reinhard, Schneider, Setzer, J. Stewart, Taylor, Walcher, Webster, Willamowski. Senators Zurz, Roberts, Schuler, Goodman, Hottinger, Amstutz, Randy Gardner, Robert Gardner, Harris

To amend sections 309.09, 5543.01, 5553.04, 5553.042, 5553.043, 5555.02, 5571.02, 5571.08, and 5571.12, to contingently amend sections 1509.03 and 1509.06, and to enact sections 5541.05, 5553.045, and 5571.20 of the Revised

Code to authorize a township to vacate upon petition certain township roads that are not used by and maintained for the public, to permit a board of county commissioners and a board of township trustees to place a graveled or unimproved county or township road on nonmaintained status, to preserve certain utility rights of way in vacated roads, to revise the notification requirements governing the drilling of oil and gas wells, to create the Oil and Gas Advisory Council to advise the Chief of the Division of Mineral Resources Management in the Department of Natural Resources regarding the adoption of certain rules governing oil and gas wells, to permit the prosecuting attorney to be the legal adviser to a joint fire district, and to declare an emergency.

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. 323** - Representatives Hoops, Wolpert, Daniels, Chandler, Cirelli, Collier, Domenick, C. Evans, Fessler, Flowers, Martin, McGregor, Oلمان, Price, Schlichter, Sferra, Skindell, Ujvagi, Wagner, Walcher, Allen, Aslanides, Barrett, Brown, Buehrer, Calvert, Carano, Carmichael, Combs, DeBose, DeGeeter, D. Evans, Gibbs, Gilb, Hagan, Hartnett, Harwood, Hughes, Jerse, Key, Latta, Miller, Niehaus, Otterman, S. Patton, T. Patton, Perry, Peterson, Reidelbach, Schmidt, Seaver, Seitz, Setzer, D. Stewart, Strahorn, Taylor, Webster, Widener, Wilson, Woodard. Senators Robert Gardner, Mumper, Zurz, Roberts, Harris, Schuler

To amend sections 307.12, 505.10, and 3313.41 of the Revised Code to allow boards of county commissioners, boards of township trustees, and school boards to donate certain personal property to eligible nonprofit organizations located in Ohio, to authorize the conveyance of certain state-owned real estate in Columbiana County to the East Liverpool Young Men's Christian Association, and to authorize the Governor to convey certain state-owned real estate located in Wood County.

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:

**Am. H. B. No. 219** - Representatives Schlichter, DeWine, C. Evans, Hollister, Husted, McGregor, Reinhard, Schmidt, Setzer, Jerse, Otterman, S. Patton, Price, Redfern, Aslanides, Flowers, Hoops, Sferra, Widowfield, Allen, Beatty, Carmichael, Chandler, Cirelli, Daniels, DeBose, DeGeeter, Gilb, Hartnett, Hughes, Latta, Niehaus, Perry, Reidelbach, Skindell, G. Smith, S. Smith, Taylor, Walcher. Senators Carey, Harris, Dann

To enact section 4549.20 of the Revised Code to prohibit any person from installing in any motor vehicle any air bag other than one designed in accordance with and meeting federal law standards for the make, model, and model year of the vehicle.

Attest: Matthew T. Schuler,  
Clerk.

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. B. No. 67** - Senator Mumper, et al.

Attest: Matthew T. Schuler,  
Clerk.

On motion of Representative Callender, the House adjourned until Tuesday, May 25, 2004 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,  
Clerk.