

OHIO

House

of

Representatives

JOURNAL

THURSDAY, OCTOBER 16, 2003

ONE HUNDRED SEVENTH DAY
Hall of the House of Representatives, Columbus, Ohio
Thursday, October 16, 2003 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 Gibbs was selected to preside under the Rule.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 303-Representative Oelslager.

To amend section 149.43, to enact sections 2710.01 to 2710.10, and to repeal section 2317.023 of the Revised Code to adopt the Uniform Mediation Act.

H. B. No. 304-Representatives Seaver, Faber, Gilb.

To enact section 5533.70 of the Revised Code to designate a portion of State Route 66 in Auglaize County the "Kenneth Jutte-John Garman Memorial Highway."

H. B. No. 305-Representatives Schaffer, Schmidt, Niehaus, McGregor, Seitz, Gilb, Collier.

To amend sections 1702.11, 1702.17, 1702.19, 1702.20, 1702.22, 1702.25, 1702.27, 1702.31, and 1702.33 of the Revised Code relating to the use of electronic or telephonic transmissions in certain meetings and votings of nonprofit corporations and the authority to take action on behalf of a nonprofit corporation without a meeting of incorporators, directors, or members.

H. B. No. 306-Representative Wolpert.

To amend sections 109.572, 307.697, 351.26, 924.51, 1333.83, 2933.41, 4301.07, 4301.10, 4301.19, 4301.20, 4301.22, 4301.24, 4301.29, 4301.30, 4301.39, 4301.41, 4301.424, 4301.99, 4303.03, 4303.07, 4303.09, 4303.203, 4303.204, 4303.231, 4303.24, 4303.25, 4303.27, 4303.271, 4303.292, 4303.293, 4303.30, 4399.02, 4399.04, 4399.07, 4399.08, and 4399.18, to enact section 4301.77, and to repeal section 4399.01 of the Revised Code to eliminate the authority of the Division of Liquor Control to order liquor permit holders to stop selling intoxicating liquor to certain persons; to authorize the Division to share social security numbers with other state agencies for specific

purposes and to seek BCII or FBI criminal records checks; to modify provisions relating to the annual permit fees for A-2, B-2, and B-4 permit holders; to change the name of the out-of-state supplier "consent to import"; to change the registration fee for agents, solicitors, and sales persons of beer or intoxicating liquor manufacturers, suppliers, brokers, or wholesale distributors to a biennial fee; to revise the deadline for paying a permit fee when a person applies for a liquor permit; to change provisions that require the disclosure of shareholders of or holders of membership interests in a corporation or limited liability company applying for a liquor permit; to correct references to the "Department of Liquor Control" and "Director of Liquor Control;" to change the manner in which beer, intoxicating liquor, and alcohol seized by a law enforcement agency is disposed of; to revise when duplicate permit fees are paid; to revise other provisions of the Liquor Control Law; and to amend the version of section 4301.99 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. 307-Representatives Widener, C. Evans, Kearns, Redfern, Fessler, Carmichael, Schlichter, Schaffer, Allen, White, Jerse.

To enact sections 4513.621, 4513.622, and 4513.623 of the Revised Code to provide that certain persons who abandon motor vehicles on public roads may be prevented from registering a vehicle or obtaining a driver's license, until the towing and storage fees on the abandoned vehicle are paid.

Said bills were considered the first time.

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 and Senate Bill be considered for the second time and referred to the following committees for consideration:

H.B. No. 298 - Representatives Skindell, et al

TO REQUIRE STATE AGENCIES, STATE INSTITUTIONS OF HIGHER EDUCATION, SCHOOL DISTRICTS, AND COMMUNITY SCHOOLS TO COMPLY WITH CERTAIN ENERGY EFFICIENT BUILDING STANDARDS, AND TO REQUIRE THE BOARD OF BUILDING STANDARDS TO ADOPT THOSE STANDARDS BY RULE

To the committee on Homeland Security, Engineering, and Architectural Design

H.B. No. 299 - Representatives Gibbs, et al

TO PERMIT A BOARD OF TOWNSHIP TRUSTEES TO VACATE TOWNSHIP ROADS WITHIN ITS JURISDICTION

To the committee on County and Township Government

H.B. No. 300 - Representatives Reidelbach, et al
TO MODIFY OHIO CIVIL RIGHTS LAWS RELATED TO
EMPLOYMENT

To the committee on Civil and Commercial Law

Sub. S.B. No. 92 - Senators Nein, et al
TO MODIFY LIMITATIONS ON THE USE OF NEW HIRE REPORTS
UNDER THE CHILD SUPPORT LAW, TO CHANGE UNEMPLOYMENT
COMPENSATION ELIGIBILITY REQUIREMENTS WHEN
UNEMPLOYMENT IS CAUSED BY A MAJOR DISASTER, TO MODIFY
THE AUTHORITY OF REVIEWING COURTS WITH RESPECT TO
UNEMPLOYMENT COMPENSATION APPEALS, TO DELAY THE
IMPLEMENTATION OF SPECIFIED UNEMPLOYMENT
COMPENSATION APPLICATION REQUIREMENTS FOR A YEAR AND
TO DECLARE AN EMERGENCY

To the committee on Human Services

GARY W. CATES
JIM CARMICHAEL
LARRY L. FLOWERS
THOMAS F. PATTON
JOHN SCHLICHTER
KATHLEEN WALCHER
JOYCE BEATTY
EDWARD JERSE
CHARLES A. WILSON

CHARLES CALVERT
PATRICIA M. CLANCY
JIM HUGHES
JON M. PETERSON
JAMES PETER TRAKAS
DIXIE J. ALLEN
KENNETH A. CARANO
ROBERT J. OTTERMAN

Representative Widener 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 Senate Bill 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 Senate Bill 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. 29 - Representatives Miller, Seitz, McGregor, Ujvagi, Beatty, Carano, Otterman, Strahorn, Skindell, Allen
TO DEPLORE THE PERSECUTION OF FALUN GONG

PRACTITIONERS IN THE PEOPLE'S REPUBLIC OF CHINA AND TO URGE THAT SPECIFIED ACTIONS BE TAKEN TO END THAT PERSECUTION

To the committee on State Government

H. Con. R. No. 30 - Representatives Yates, Carano, DeBose, Allen, Price, Skindell, Ujvagi, S. Patton, Miller, Redfern, Kearns, Seitz, Clancy, Jolivette, Key, Distel, Raussen, Harwood, Strahorn, Hollister, Boccieri, Beatty, Raga, Sykes, Otterman, Jerse, Barrett, McGregor, Driehaus, Baron, Woodard, S. Smith

TO MEMORIALIZE THE CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT THE \$3 BILLION APPROPRIATION PLEDGED FOR HIV/AIDS RELIEF IN AFRICA

To the committee on Finance and Appropriations

/s/ GARY CATES

GARY CATES, Vice Chair

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

H.R. No. 138 - Representatives Wolpert, G. Smith

HONORING DOUG LOWERY AS THE 2004 METLIFE/NASSP NATIONAL MIDDLE SCHOOL PRINCIPAL OF THE YEAR

Add the names: "Beatty, Flowers, Hughes, Otterman"

S. Con. R. No. 17 - Senators Austria, White, Amstutz, Armbruster, Blessing, Brady, Carey, Carnes, Coughlin, Dann, DiDonato, Fedor, Fingerhut, Randy Gardner, Robert Gardner, Goodman, Hagan, Harris, Hottinger, Jordan, Jacobson, Mallory, Miller, Mumper, Nein, Prentiss, Roberts, Schuler, Schuring, Spada, Stivers, Wachtmann, Zurz

TO RECOGNIZE CLARK COUNTY AND THE STATE OF OHIO AS THE BIRTHPLACE OF 4-H

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

/s/ GARY CATES

GARY CATES, Vice Chair

Representative Widener 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 bill in which the concurrence of the House is requested:

Sub. S. B. No. 2 - Senators Robert Gardner, Prentiss, Mumper, Goodman, Harris, Spada, Carnes, Blessing, Armbruster, Miller, Roberts, Stivers, Zurz, Dann, Hagan, Brady.

To amend sections 3301.079, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0715, 3302.03, 3302.04, 3307.01, 3313.28, 3313.53, 3318.031, 3319.09, 3319.11, 3319.111, 3319.22, 3319.225, 3319.23, 3319.26, 3319.29, 3319.291, 3319.31, 3319.311, 3319.36, 3319.39, 3319.51, and 3333.38; to enact sections 3319.075, 3319.112, 3319.25, 3319.261, 3319.27, 3319.303, 3319.56, 3319.57, 3319.60, 3319.61, 3319.62, 3319.65, and 3333.161; to repeal sections 3301.801, 3314.12, and 3319.28 of the Revised Code; to amend Sections 11, 12, 13, and 14 of Am. Sub. H.B. 3 of the 125th General Assembly; and to amend Sections 41.03, 41.05, 41.10, and 146 of Am. Sub. H.B. 95 of the 125th General Assembly to implement recommendations of the Governor's Commission on Teaching Success and to revise the laws with respect to the teaching profession, academic standards, and other education policies.

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:

Sub. S. B. No. 58 - Senators Jacobson, Stivers, Goodman, Armbruster,

Harris, Carey, Brady, Fingerhut, Hottinger, Austria, Carnes, Dann, Randy Gardner, Hagan, Miller, Mumper, Roberts, Zurz.

To amend sections 2925.04 and 2925.041 of the Revised Code to increase the penalties for certain drug offenses if the offense is committed in the vicinity of a school or in the vicinity of a juvenile.

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:

Sub. S. B. No. 99 - Senators Blessing, Coughlin, Prentiss, Hagan, Roberts, Brady.

To amend sections 3770.02, 3770.03, 3770.05, 3770.06, 3770.07, 3770.08, and 4301.03 and to enact sections 3333.30, 3333.301, 3770.061, and 3770.21 to 3770.30 of the Revised Code to require the State Lottery Commission to establish licensing procedures for electronic lottery sales agents that are horseracing permit holders and to conduct lotteries that provide immediate prize determinations for individual participants through the use of electronic gaming devices at not more than seven licensed commercial horseracing tracks; to require the Board of Regents to implement the Ohio Scholarship Program to provide specified scholarships to certain high school graduates who meet certain academic standards and enroll in specified Ohio institutions of higher education; to require the Board of Regents to implement the Ohio Learn and Earn Scholarship Program to provide certain scholarships to high school graduates who meet certain academic and nonacademic requirements and enroll in specified Ohio institutions of higher education; to require five per cent or \$25 million of the net proceeds from the electronic lotteries, whichever is less, to be used for school building construction for elementary, secondary, vocational, and special education programs; and to require the remaining net proceeds from the electronic lotteries to be used to support first the Ohio Scholarship Program and second the Ohio Learn and Earn Scholarship Program.

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 adopted the following joint resolution in which the concurrence of the House is requested:

Sub. S. J. R. No. 8 - Senators Blessing, Fingerhut, Prentiss.

Proposing to amend Section 6 of Article XV of the Constitution of the State of Ohio to require an agency of the state, if approval of the voters of the state is obtained, to conduct games that make immediate prize determinations for individual participants by electronic devices at no more than, and only at, seven licensed commercial horseracing tracks in counties where licensed commercial horseracing tracks operated during calendar year 2003 and to require that the entire net proceeds of the games be used solely for scholarships for Ohio residents who are students at institutions of higher education located in Ohio and for primary, secondary, vocational, and special education school building construction.

Attest:

Matthew T. Schuler,
Clerk.

Said joint resolution 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 adoption of the following concurrent resolution:

H. C. R. No. 28 - Speaker Householder Representatives Trakas, Calvert, Hughes, Clancy, Flowers, T. Patton, Schlichter, Carmichael, Beatty, Otterman, Jerse, Carano, Walcher, Allen, Wilson, Cates. Senators Stivers, Amstutz, Armbruster, Austria, Blessing, Brady, Carey, Carnes, Coughlin, Dann, DiDonato, Fedor, Fingerhut, Goodman, Hagan, Harris, Hottinger, Jacobson, Jordan, Mallory, Miller, Mumper, Nein, Prentiss, Randy Gardner, Robert

Gardner, Roberts, Schuler, Schuring, Spada, Wachtmann, White, Zurz.

Honoring the 37th Infantry Division of the Ohio Army National Guard on receiving an Ohio Historical Marker for exceptional military service.

Attest: Matthew T. Schuler,
Clerk.

On motion of Representative Widener, the House adjourned until Tuesday, October 21, 2003 at 11:00 o'clock a.m.

Attest: LAURA P. CLEMENS,
Clerk.