

OHIO

House

of

Representatives

JOURNAL

THURSDAY, DECEMBER 16, 2004

TWO HUNDRED FORTY-SEVENTH DAY
Hall of the House of Representatives, Columbus, Ohio
Thursday, December 16, 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 McGregor 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. 590-Representative Oelslager.

To amend sections 149.011 and 149.43 and to enact section 109.43 of the Revised Code to revise the Public Records Law.

H. B. No. 591-Representative Collier.

To amend sections 1332.01, 1332.02, 1332.03, 1332.04, 1332.05, 1332.06, 1332.07, and 1332.09 of the Revised Code to extend cable competition law to the provision by a political subdivision of telecommunications service over a cable system or using telecommunications equipment.

Said bills were considered the first time.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 98**-Representative Willamowski, et al., were taken up for consideration.

Sub. H. B. No. 98-Representatives Willamowski, Hughes, Gibbs, Allen, Otterman, J. Stewart, Schneider, Schmidt, Reidelbach, Buehrer, Cates, Clancy, Core, Distel, Domenick, Fessler, Flowers, Hagan, Harwood, Hollister, Key, Latta, McGregor, Niehaus, Price, Seitz. -Senators Wachtmann, Blessing, Spada.

To amend sections 145.323, 145.46, 145.92, 742.3711, 742.3716, 742.3717, 3105.80, 3105.82, 3307.60, 3307.67, 3307.87, 3309.374, 3309.46, 3309.92, 5505.162, and 5505.174 of the Revised Code to make changes to the optional benefit plans for retirants and the cost-of-living increase in the state retirement systems.

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

Representative Flowers moved that the Senate amendments to **Sub. H. B.**

No. 98-Representative Willamowski, et al., be informally passed and retain their place on the calendar.

The motion was agreed to.

The Senate amendments to **Sub. H. B. No. 260**-Representative Daniels, et al., were taken up for consideration.

Sub. H. B. No. 260-Representatives Daniels, McGregor, Seitz, J. Stewart, Core, Webster, Gilb, Kilbane, Aslanides, Collier, Combs, Flowers, Hoops, Peterson, Schaffer, Schmidt, Slaby, Taylor, Wolpert. -Senators Carey, White.

To amend sections 5703.47, 5719.041, 5731.23, and 5739.026 of the Revised Code to reduce the rate at which interest accrues on estate tax and personal property tax overpayments and to permit counties to levy a sales and use tax specifically for providing emergency medical services.

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

Representative Flowers moved that the Senate amendments to **Sub. H. B. No. 260**-Representative Daniels, et al., be informally passed and retain their place on the calendar.

The motion was agreed to.

The Senate amendments to **Am. Sub. H. B. No. 303**-Representative Oelslager, et al., were taken up for consideration.

Am. Sub. H. B. No. 303-Representatives Oelslager, DeGeeter, C. Evans, Kearns, McGregor, Skindell. -Senators Dann, Mumper.

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.

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

Representative Flowers moved that the Senate amendments to **Am. Sub. H. B. No. 303**-Representative Oelslager, et al., be informally passed and retain their place on the calendar.

The motion was agreed to.

The Senate amendments to **Sub. H. B. No. 362**-Representative Hoops, et al., were taken up for consideration.

Sub. H. B. No. 362-Representatives Hoops, Allen, Calvert, C. Evans, D. Evans, Flowers, Hartnett, Jerse, Martin, Miller, T. Patton, Peterson, Schmidt, Strahorn, Aslanides, Barrett, Brown, Callender, Chandler, Cirelli, Collier, DeBose, Domenick, Gilb, Hollister, McGregor, Niehaus, Olman, Otterman, Price, Schlichter, Seaver, Seitz, Slaby, D. Stewart, J. Stewart, Walcher. -Senators Amstutz, Blessing, Harris.

To amend sections 718.01, 718.02, 3318.05, 3318.052, 3318.08, 3318.44,

3770.07, 3770.10, 3770.12, 5705.192, 5705.21, 5733.04, 5733.42, and 5747.01 and to enact section 3770.121 of the Revised Code to permit school district permanent improvements levies imposed for a limited period of time to be renewed for a continuing period of time; to allow certain single member limited liability companies to elect to be separate taxpayers from their single members for purposes of municipal income taxation; to require under the municipal income tax law that a business add-back tax exempt stock options in the apportionment of its net profit among municipal corporations; to create an amnesty period for re-filing applications for exemption of real property that were dismissed due to case law; to change references regarding federal income tax law in the corporation franchise tax and income tax laws; to require the State Lottery Commission to allow a lottery prize winner who is being paid the prize award in installments to transfer, subject to certain restrictions, all or portions of the prize winner's outstanding prize award and to make other changes in the Lottery Law and the Lottery Prize Award Transfer Law; and to make changes to the distribution of the job training tax credit.

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

Representative Flowers moved that the Senate amendments to **Sub. H. B. No. 362**-Representative Hoops, et al., be informally passed and retain their place on the calendar.

The motion was agreed to.

The Senate amendments to **Am. Sub. H. B. No. 375**-Representative Kilbane, et al., were taken up for consideration.

Am. Sub. H. B. No. 375-Representatives Kilbane, Willamowski, Collier, Kearns, McGregor, Hollister, C. Evans, Clancy, Strahorn, S. Smith, Widener, Key, Hartnett, Ujvagi, Fessler, Harwood, Setzer, Webster, Aslanides, Barrett, Book, Carano, Carmichael, Cates, Chandler, Daniels, DeGeeter, Distel, Domenick, Driehaus, Faber, Flowers, Gibbs, Gilb, Grendell, Hagan, Hoops, Hughes, Jerse, Koziura, Latta, Martin, Niehaus, Oelslager, Otterman, S. Patton, T. Patton, Perry, Peterson, Price, Redfern, Reidelbach, Schaffer, Schlichter, Schmidt, Schneider, Skindell, Slaby, G. Smith, D. Stewart, Taylor, Trakas, Walcher, Widowfield, Wolpert, Woodard, Young. -Senators Schuring, Zurz, Austria, Spada, Carey.

To amend sections 103.73, 103.74, 2930.16, 2967.03, 2967.12, and 5149.101 and to enact sections 103.75, 103.76, 103.77, 103.78, and 103.79 of the Revised Code to require the Parole Board, at the request of the victim of a specified offense or certain other persons, to hold a full board hearing, to permit the victim of such an offense, the victim's representative, and the victim's immediate family and the prisoner's counsel or another designated person to testify at that hearing, and to permit the Correctional Institution Inspection Committee to inspect Department of Youth Services facilities.

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

Representative Flowers moved that the Senate amendments to **Am. Sub. H. B. No. 375**-Representative Kilbane, et al., be informally passed and retain their place on the calendar.

The motion was agreed to.

The Senate amendments to **Sub. H. B. No. 401**-Representative Raga, et al., were taken up for consideration.

Sub. H. B. No. 401-Representatives Raga, Latta, D. Evans, Aslanides, Beatty, Book, Brown, Buehrer, Carano, Carmichael, Cirelli, Daniels, DeBose, DeGeeter, Distel, Domenick, Driehaus, C. Evans, Flowers, Gibbs, Hagan, Hartnett, Harwood, Hollister, Hoops, Hughes, Martin, Miller, Olman, Otterman, T. Patton, Perry, Price, Reidelbach, Schaffer, Schmidt, Seaver, Slaby, G. Smith, Webster, Willamowski, Wilson, Wolpert. -Senator Austria.

To amend sections 1315.39, 1315.40, and 2913.11 of the Revised Code to increase the authorized amount of a check-cashing loan from \$500 to \$800, to modify the fee for such a loan if it is \$500 or more, to expand the offense of passing bad checks to apply to electronic transactions, to include in the offense a provision regarding stop payment orders on checks, and to include in the offense a provision regarding aggregation of checks issued within 180 days for purposes of determining an offender's penalty.

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

Representative Flowers moved that the Senate amendments to **Sub. H. B. No. 401**-Representative Raga, et al., be informally passed and retain their place on the calendar.

The motion was agreed to.

The Senate amendments to **Sub. H. B. No. 425**-Representative J. Stewart, et al., were taken up for consideration.

Sub. H. B. No. 425-Representatives J. Stewart, Aslanides, Hollister, Schaffer, Seitz, Skindell, Cirelli, Domenick, Niehaus, Blasdel, Carano, Collier, Daniels, DeBose, C. Evans, D. Evans, Gibbs, Otterman, Slaby, D. Stewart, Wilson, Wolpert. -Senators Mumper, Carey.

To amend sections 3901.211, 3905.40, 3905.401, 3929.302, 3929.50, 3929.51, 3929.52, 3929.56, 3929.58, 3929.59, 3951.01, 3951.05, 3951.06, and 5733.39, to enact new section 3951.09 and section 3905.901, and to repeal section 3951.09 of the Revised Code to remove current limits on mine subsidence coverage, to increase the cap on the amount of reinsurance coverage that the mine subsidence underwriting association may offer, to end the annual distribution of excess moneys in the mine subsidence insurance fund to policyholders, to permit a representative to be elected to the mine insurance governing board without a meeting of the members, to specify the Ohio counties in which mine subsidence insurance must be offered in connection with property and homeowners insurance, to extend the tax credit

for using Ohio coal to generate electricity and reduce the per-ton credit amount, to clarify the Department of Insurance's authority to impose annual valuation fees, to permit the Superintendent of Insurance to waive the examination requirement for public insurance adjusters licensed in another state and to license nonresident lending institutions and their employees as public insurance adjusters, to provide for a summary of information on medical claims reported by attorneys, to calculate direct written premiums of bail bond insurers, and to restrict the amount of homeowners insurance coverage that can be required by lenders.

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

Representative Flowers moved that the Senate amendments to **Sub. H. B. No. 425**-Representative J. Stewart, et al., be informally passed and retain their place on the calendar.

The motion was agreed to.

The Senate amendments to **Am. H. B. No. 493**-Representative Hoops, et al., were taken up for consideration.

Am. H. B. No. 493-Representatives Hoops, Husted, J. Stewart, Aslanides, C. Evans, T. Patton, Willamowski, Latta, Seitz, Raga, Schaffer, Flowers, Setzer, G. Smith, Kearns, McGregor, Hughes, Schmidt, Ujvagi, D. Evans, Combs, Faber, Widener, Taylor, Schlichter, Slaby, Widowfield, Wolpert, Carmichael, Collier, Hartnett, Skindell, Carano, S. Patton, Miller, Seaver, Perry, Cirelli, Chandler, Otterman, Beatty, Brown, D. Stewart, Key, Mason, Allen, Barrett, Calvert, Clancy, Daniels, DeBose, DeGeeter, Domenick, Gibbs, Gilb, Harwood, Martin, Niehaus, Olman, Price, Reidelbach, S. Smith, Strahorn, Walcher, Wilson. -Senators Coughlin, Robert Gardner, Randy Gardner.

To amend sections 3119.89, 3119.90, 3119.94, 3121.38, 3301.0711, 3302.01, 3302.03, 3302.04, 3313.614, 3317.012, and 3319.55, to enact sections 5.2229, 3121.373, 3121.382, 3302.09, and 3319.63 of the Revised Code, and to repeal Section 7 of Am. Sub. S.B. 1 of the 124th General Assembly to designate the fourth week of September as "Parent's Week," to increase the penalties against and permit electronic transfers from the bank account of an employer who willfully fails to withhold the amount required under a support order, to make changes to the laws governing the impoundment of child support, to change the criteria for imposing sanctions on school districts under the No Child Left Behind Act, to make other changes to comply with that Act, to make teachers employed by chartered nonpublic schools eligible for stipends for holding valid certificates or licenses issued by the National Board for Professional Teaching Standards, to require the Department of Education to pay those stipends to qualified nonpublic school teachers for the 2003-2004 school year, to allow specified students to substitute passage of the Ohio Graduation Test in a particular subject for passage of the ninth grade proficiency test in that subject to satisfy diploma

requirements, and to require school districts to grant professional leave to their employees who are members of the Educator Standards Board.

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

Representative Flowers moved that the Senate amendments to **Am. H. B. No. 493**-Representative Hoops, et al., be informally passed and retain their place on the calendar.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 277-Senators Spada, White, Harris, Wachtmann, Armbruster, Goodman, Mumper, Austria, Stivers, Amstutz, Carey, Fingerhut, Prentiss, Padgett, Miller, Mallory, Fedor, Jordan, Schuler, Schuring.

To enact section 5904.01 of the Revised Code to create the Ohio Veterans Hall of Fame to recognize the post-military achievements of outstanding veterans, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Flowers moved that **Sub. S. B. No. 277**-Senator Spada, et al., be informally passed and retain its place on the calendar.

The motion was agreed to.

S. C. R. No. 26-Senators Blessing, Schuler, Spada, Brady, Dann, Fedor, Fingerhut, Harris, Zurz, Prentiss, Padgett, DiDonato, Robert Gardner, Mallory, Representatives Hagan, Olman, Daniels, Hartnett, Martin, Mason, Miller, G. Smith, Strahorn, Schneider.

To memorialize the United States Congress to provide for a national entity to establish and enforce mandatory, national electric transmission reliability standards and to ensure federal oversight of that entity and federal authority to require transmission owner participation in a regional transmission organization, was taken up for consideration the third time.

The question being, "Shall the concurrent resolution be adopted?"

Representative Flowers moved that **S. C. R. No. 26**-Senator Blessing, et al., be informally passed and retain its place on the calendar.

The motion was agreed to.

S. C. R. No. 33-Senators Stivers, Randy Gardner, Armbruster, Goodman, Harris, Amstutz, Miller, Padgett, Hagan, Fedor, Representatives Cirelli, Barrett, Price, G. Smith, Slaby, Reidelbach, S. Smith, Hoops, Martin.

To create the Task Force for Preserving Adult Vision, was taken up for consideration the third time.

The question being, "Shall the concurrent resolution be adopted?"

Representative Flowers moved that **S. C. R. No. 33**-Senator Stivers, et al., be informally passed and retain its place on the calendar.

The motion was agreed to.

On motion of Representative Flowers, the House adjourned until Friday, December 17, 2004 at 1:15 o'clock p.m.

Attest:

LAURA P. CLEMENS,
Clerk.