

OHIO

House

of

Representatives

JOURNAL

THURSDAY, JUNE 23, 2005

SIXTY-SIXTH DAY

Hall of the House of Representatives, Columbus, Ohio
Thursday, June 23, 2005 at 11:00 o'clock a.m.

The House met pursuant to adjournment.

Pursuant to House Rule No. 23, the Clerk called the House to order.

Representative C. Evans was selected to preside under the Rule.

The journal of yesterday was read and approved.

**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. 104**-Representative Martin, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

**RE: PERSONAL INFORMATION-CONTACT IF UNAUTHORIZED
ACCESS TO**

Representative Seitz moved to amend the title as follows:

Add the names: "Coley, Core, Harwood."

BILL COLEY

ANTHONY CORE

T. TODD BOOK

MARK D. WAGONER

SANDRA STABILE HARWOOD

WILLIAM J. SEITZ

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

Representative Hood moved that the majority and minority party members asking leave to be absent or absent the week of Tuesday, June 21, 2005, be excused, so long as a written request is on file in the majority and minority leadership offices.

The motion was agreed to.

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. Sub. H. B. No. 15 - Representatives Hoops, Aslanides, Blessing, Bubp, Calvert, Collier, Combs, C. Evans, Fessler, Gibbs, Hagan, Hughes, Kearns, Latta, Law, Martin, McGregor, T. Patton, Reidelbach, Setzer, Schaffer, Webster, White, Widener, Widowfield, Willamowski, Wolpert, Allen, Barrett, Carano, DeGeeter, Distel, Driehaus, Hartnett, Otterman, S. Patton, Perry, Ujvagi, D. Evans, Gilb, Seitz, Yuko, Seaver, Healy, D. Stewart, Beatty, Boccieri, Book, Brown, Buehrer, Carmichael, Cassell, Chandler, Core, Daniels, Domenick, Faber, Fende, Garrison, Kilbane, Mason, Miller, Oelslager, Raga, Raussen, Reinhard, Sayre, Schlichter, Schneider, G. Smith, J. Stewart, Strahorn, Taylor, Trakas, Wagner, Wagoner, Williams, Mitchell Senators Dann, Zurz, Jordan, Amstutz, Austria, Carey, Hottinger, Padgett, Wachtmann, Mumper, Niehaus, Coughlin, Cates, Harris, Goodman, Clancy, Grendell

To amend sections 109.42, 2929.20, 2950.10, 2950.11, 2967.03, 2967.12, and 2967.26 and to enact section 5120.66 of the Revised Code to require the Department of Rehabilitation and Correction to establish and operate an Internet database that contains specified offense, sentence, and release information for each inmate in the custody of the Department; to grant any person a right to submit a written statement regarding certain possible releases or transfers of any inmate; to require the Adult Parole Authority to consider any such statement prior to granting or recommending the release of or transfer for any inmate; to specify that the above provisions are to be known as "Laura's Law;" and to require that victim or community notification under the SORN Law include a photograph of the registrant offender.

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 passage of the following bill:

Sub. H. B. No. 33 - Representatives Wagner, Combs, Allen, Barrett, Hartnett, McGregor, Brown, Reidelbach, Wolpert, C. Evans, Harwood, Taylor, Flowers, Bubp, Carano, Cassell, Chandler, Collier, Daniels, Distel, Dolan, Domenick, D. Evans, Faber, Fende, Fessler, Gibbs, Hagan, Hughes, Kearns, Latta, Law, Reinhard, Schlichter, Schneider, Seaver, Setzer, D. Stewart, Wagoner, Walcher Senators Zurz, Gardner, Grendell, Schuler

To amend sections 309.09 and 3313.13 of the Revised Code to permit the

prosecuting attorney, with the approval of the board of county commissioners, to be the legal adviser to a joint fire district, to a joint ambulance district, to a fire and ambulance district, and to a joint emergency medical services district either at no cost to the district or under a contract with the district, and to allow an assistant prosecuting attorney to be a member of a school board in a county other than the county in which the assistant is employed.

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. 34 - Representatives Setzer, Flowers, Kearns, Allen, Webster, DeGeeter, Carano, Taylor, Latta, D. Evans, Gilb, Hughes, Seitz, Willamowski, Perry, Barrett, Boccieri, Brown, Buehrer, Calvert, Cassell, Collier, Daniels, DeBose, Distel, Domenick, C. Evans, Gibbs, Harwood, Martin, McGregor, T. Patton, Raga, Reidelbach, Schaffer, Seaver, G. Smith, Uecker, Williams Senators Clancy, Mumper, Schuler

To amend section 2933.24 of the Revised Code to specify that a search warrant must be returned promptly.

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 passage of the following bill:

H. B. No. 36 - Representatives Carmichael, Blasdel, J. Stewart, Daniels, McGregor, C. Evans, Kearns, Hoops, T. Patton, Seitz, Skindell, Flowers,

Oelslager, Combs, Hughes, D. Evans, Carano, Hartnett, Aslanides, DeWine, Raga, DeGeeter, Allen, Ujvagi, Setzer, Barrett, Reidelbach, Perry, Miller, Strahorn, Taylor, Chandler, Reinhard, Hagan, Schlichter, Brown, Buehrer, D. Stewart, Book, Walcher, Uecker, Beatty, Boccieri, Brinkman, Bulp, Calvert, Cassell, Coley, Collier, DeBose, Distel, Dolan, Domenick, Driehaus, Faber, Fende, Fessler, Gibbs, Gilb, Harwood, Key, Kilbane, Latta, Law, Martin, Mason, Otterman, S. Patton, Raussen, Redfern, Sayre, Schaffer, Schneider, Seaver, G. Smith, Sykes, Wagoner, Webster, Widener, Willamowski, Williams, Wolpert, Yates, Yuko Senators Hagan, Mumper, Coughlin, Clancy, Amstutz, Armbruster, Austria, Carey, Cates, Fedor, Gardner, Goodman, Grendell, Niehaus, Padgett, Roberts, Schuler, Schuring, Harris, Dann, Fingerhut, Brady, Hottinger, Jacobson, Jordan, Mallory, Miller, Prentiss, Spada, Wachtmann, Wilson, Zurz

To enact section 5.2230 of the Revised Code to designate September as "Leukemia, Lymphoma, and Myeloma Awareness Month."

Attest:

Matthew T. Schuler,
Clerk.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has agreed to the report of the Committee of Conference on matters of difference between the two houses on:

Am. Sub. H. B. No. 66 - Representative Calvert - 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 concurred in the passage of the following bill:

Am. Sub. H. B. No. 76 - Representatives Trakas, McGregor, Walcher, Collier, Allen, Combs, D. Evans, Flowers, Gilb, Hagan, Healy, Hughes, Koziura, T. Patton, Reidelbach, Schaffer, Seaver, Setzer, G. Smith,

Widowfield, Wolpert, Yuko Senators Zurz, Amstutz, Armbruster, Cates, Clancy, Coughlin, Niehaus, Spada

To amend section 733.48 of the Revised Code to permit the electors of a statutory village to vote on a question to authorize the mayor to appoint the village solicitor with the advice and consent of the village's legislative authority.

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 passage of the following bill:

Am. Sub. H. B. No. 122 - Representatives Wagoner, McGregor, Martin, Wagner, T. Patton, Hoops, Uecker, Seitz, Combs, Gibbs, Flowers, Collier, D. Evans, Calvert, Reidelbach, Setzer, Strahorn, Garrison, Latta, C. Evans, Kearns, Blasdel, Law, Gilb, Webster, Ujvagi, Harwood, Daniels, Carmichael, Walcher, Hartnett, D. Stewart, Book, Allen, Barrett, Brinkman, Brown, Cassell, Chandler, Coley, DeBose, Distel, Dolan, Domenick, Faber, Hughes, Key, Miller, Sayre, Schaffer, Schneider, J. Stewart, Yuko Senators Mumper, Niehaus, Zurz, Mallory, Clancy

To amend sections 3770.07, 3770.071, 3770.072, and 5747.062 and to enact sections 3123.89 and 3770.074 of the Revised Code to prohibit the claiming and payment of a lottery prize award with a value in excess of \$599 until the beneficial owner's name, address, and Social Security number are disclosed to the State Lottery Commission, to make changes in the procedure for the deduction of support from lottery prize awards, to change the income tax withholding percentage for certain lottery prize award payments, to modify the basis upon which the withholding computation is made, to require that final, nonappealable unpaid judgments be deducted from certain unpaid lottery prize award payments pursuant to a specified procedure, and to specify the method of payment of lottery prize award installments.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested:

In line 14, delete "section" and insert "sections"; after "3123.89" insert "and 3770.074"

In line 144, strike through the first "or" and insert an underlined comma; after "3770.073" insert ", or 3770.074"

In line 168, after the period insert "Installment payments of lottery prize awards shall be paid by official check or warrant, and they shall be sent by mail delivery to the prize winner's address within the United States or by electronic funds transfer to an established bank account located within the United States, or the prize winner may pick them up at an office of the commission."

Between lines 320 and 321, insert:

"Sec. 3770.074. (A) Except as otherwise provided in this section, if the state lottery commission has not yet paid in full a lottery prize award whose remaining unpaid amount is one hundred thousand dollars or more, if the winner of the lottery prize award is a judgment debtor, if a certified copy of the entry of a final, nonappealable judgment of a court of record of this state, another state, or the United States pertaining to that judgment debtor is transmitted to the commission by the clerk of that court upon the request of the judgment creditor, and if that judgment has not yet been paid in full, the director of the commission or the director's designee, subject to the procedures specified in division (B) of this section and to the priorities specified in division (G) of this section, shall deduct and pay to the judgment creditor from the remaining amount of the unpaid prize award, or from any annual installment or installments of the remaining amount of unpaid prize award, either of the following:

(1) An amount sufficient to pay in full the amount of the unpaid judgment, if the remaining amount of the unpaid prize award equals or exceeds the amount of the judgment;

(2) The remaining amount of the unpaid prize award, if that remaining amount is less than the amount of the unpaid judgment.

(B) (1) The commission shall receive certified copies of entries of final, nonappealable judgments for payments from a lottery prize award as described in division (A) of this section for a period of three weeks after the commission receives a claim for that lottery prize award. If the commission receives a certified copy of an entry of such a judgment during that period, the commission shall continue to receive certified copies of entries of final, nonappealable judgments for an additional week. At the end of this four-week period, if more than one certified copy of an entry of a final, nonappealable judgment is received and the amount of the lottery prize award equals or exceeds the total amount of the judgments, the director or the director's designee shall pay the amount of the judgments in full and pay the remaining amount of the lottery prize award to the judgment debtor. But, at that time, if the amount of the lottery prize award is less than the total amount of the judgments for which certified copies of entries were received, the commission shall file a civil action in the court of common pleas of the county in which the prize winner resides or, if the prize winner is not a resident of this state, in the court of common pleas of Cuyahoga county, for a declaratory judgment on the distribution of the amount of the lottery prize award

to each of the applicable judgment creditors.

(2) If a lottery prize award winner elects to receive the payment of the prize award in annual installments, the commission shall receive certified copies of entries of final, nonappealable judgments for payments from an annual installment of a lottery prize award as described in division (A) of this section for a period of three weeks before the date of payment of that annual installment. If the commission receives a certified copy of an entry of a final, nonappealable judgment during that period, the commission shall pay the judgment from that annual installment in the manner described in division (B)(1) of this section.

(3) The commission shall pay judgments under divisions (B)(1) and (2) of this section in the following order of priority:

(a) Judgments entered before the date that the claim for a lottery prize award is received if certified copies of the entries are received within the four-week period after the date that the claim for the prize award is received;

(b) Judgments entered before the date that the claim for a lottery prize award is received if certified copies of the entries are received after the end of the four-week period after the date the claim for the prize award is received;

(c) Judgments entered after the date that the claim for a lottery prize award is received.

(C) The state lottery commission may establish and charge a judgment creditor described in division (A) of this section a fee to reimburse the commission for the costs it incurs for deducting amounts and paying them to the judgment creditor.

(D)(1) If a judgment debtor described in division (A) of this section is a member of a trust, the commission shall notify each of the members of the trust of the deductions from the lottery prize award made under that division. The judgment creditor shall be responsible for providing the commission with information as to the existence of such a trust and as to its members other than the judgment debtor.

(2) This section does not apply to or affect the payment of a lottery prize award to a blind trust, as defined by rule of the commission.

(E) Division (A) and (B) of this section do not require the commission, before paying a lottery prize award, to inquire of lottery prize award winners regarding any unpaid judgments that have been or may be entered against them or to conduct an independent inquiry as to the existence or nonexistence of such judgments, nor do they prevent the commission from making annual installment payments of a lottery prize award.

(F) The commission may adopt and amend rules pursuant to Chapter 119. of the Revised Code as necessary to implement this section and to comply with any applicable requirements of federal law.

(G) The deductions and payments from lottery prize awards the

commission is required to make under sections 3770.071, 3770.072, and 3770.073 of the Revised Code take priority over deductions and payments it is required to make under this section.

(H) Upon making payments from a lottery prize award as required by divisions (A) and (B) of this section, the director and the commission are discharged from all further liability for those payments, whether to the judgment creditor or to the lottery prize award winner."

In line 2 of the title, delete "section" and insert "sections"; after "3123.89" insert "and 3770.074"

In line 11 of the title, delete "and"

In line 12 of the title, after "made" insert ", to require that final, nonappealable unpaid judgments be deducted from certain unpaid lottery prize award payments pursuant to a specified procedure, and to specify the method of payment of lottery prize award installments"

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:

H. B. No. 185 - Representatives Latta, McGregor, C. Evans, Perry, Carano, T. Patton, Daniels, J. Stewart, Coley, Gibbs, Allen, Buehrer, DeBose, Dolan, Domenick, D. Evans, Flowers, Gilb, Hughes, Oelslager, Reidelbach, Seaver, G. Smith, Wagoner, Yuko Senators Clancy, Dann, Zurz

To amend section 4705.10 of the Revised Code to require a depository institution maintaining an interest-bearing trust account (IOLTA) for a lawyer, law firm, or legal professional association to notify the Ohio Supreme Court when a properly payable item is presented for payment from an IOLTA having insufficient funds.

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 passage of the following bill:

Sub. H. B. No. 193 - Representatives Daniels, G. Smith, Fessler, Combs, Wolpert, C. Evans, Martin, Gibbs, D. Evans, Setzer, Barrett, Perry, DeBose, Boccieri, Hughes, Koziura, Brown, Chandler, Domenick, Reidelbach, Schlichter, Webster Senators Hottinger, Wachtmann, Carey, Spada

To amend sections 9.90, 1751.12, 3917.01, 3917.06, and 3917.07, to enact new section 3917.03 and section 3917.02, and to repeal section 3917.03 of the Revised Code to permit the sale of group life insurance to specified groups and provide the Superintendent of Insurance with the discretion to authorize the sale of group life insurance to additional groups.

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 adoption of the following concurrent resolution:

H. C. R. No. 9 - Representatives Trakas, Ujvagi, McGregor, Kearns, DeGeeter, Martin, Miller, Carano, Willamowski, Skindell, Distel, Buehrer, Boccieri, Cassell, Collier, Combs, DeBose, Dolan, Domenick, C. Evans, D. Evans, Faber, Flowers, Hagan, Hoops, Hughes, Key, Law, Mason, Reidelbach, Schaffer, Schlichter, Schneider, Seaver, Seitz, Setzer, G. Smith, White, Widowfield Senators Mumper, Grendell, Coughlin, Amstutz, Clancy, Gardner, Harris, Jacobson, Niehaus, Schuler, Spada

To urge the President of the United States and the Congress of the United States to include in the United States Department of State's Visa Waiver Program those members of the North Atlantic Treaty Organization that are not currently participating in the Program.

Attest:

Matthew T. Schuler,
Clerk.

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. 82 - Senators Grendell, Jacobson, Brady, Mumper

To enact section 9.481 of the Revised Code to generally prohibit political subdivisions from imposing residency requirements on certain employees.

Sub. S. B. No. 87 - Senators Wachtmann, Hagan, Gardner, Mumper, Clancy, Amstutz, Austria, Carey, Niehaus, Padgett, Schuring, Jordan, Harris, Zurz, Schuler, Armbruster, Brady, Cates, Coughlin, Dann, Fedor, Fingerhut, Goodman, Grendell, Hottinger, Jacobson, Mallory, Miller, Prentiss, Roberts, Spada, Wilson

To amend sections 3721.011 and 3721.04 of the Revised Code regarding the provision of hospice care in residential care facilities.

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 concurred in the House amendments to:

Sub. S. B. No. 107 - Senator Schuler- 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 agreed to the report of the Committee of Conference on matters of difference between the two houses on:

S. B. No. 128 - Senator Cates- 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 passed the following bills in which the concurrence of the House is requested:

Am. S. B. No. 144 - Senators Schuler, Clancy, Mumper, Spada

To amend section 4763.05 of the Revised Code to modify the Ohio Real Estate Appraiser law with respect to the temporary registration of appraisers licensed or certified in another state.

Sub. S. B. No. 148 - Senators Hottinger, Carey, Spada

To amend sections 317.09 and 317.32 of the Revised Code to authorize a county recorder to use electronic or magnetic mediums for recording federal tax and other federal liens and to request the disposal of paper versions of those recorded documents, and to require a county recorder to charge and collect a per-image fee equivalent to the per-page photocopy fee when a nonpaper form of photocopying is used.

Attest:

Matthew T. Schuler,
Clerk.

Said bills were considered the first time.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on June 21, 2005, signed the following:

Sub. S. B. No. 124 - Senator Spada - et al.

On motion of Representative Hood, the House adjourned until Tuesday, June 28, 2005 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.