

OHIO

SENATE

JOURNAL

CORRECTED VERSION
TUESDAY, JANUARY 10, 2006

ONE HUNDRED THIRTY-FOURTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, January 10, 2006, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Rabbi David Motzen, Agudath Israel of Ohio, Cincinnati, Ohio, followed by the Pledge of Allegiance to the Flag.

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

**REPORTS OF REFERENCE AND BILLS FOR SECOND
CONSIDERATION**

Senator Schuring reports for the Standing Committee on Reference, recommending that the following bills, standing in order for second consideration, be referred to committee as recommended:

H. B. No. 287-Representatives Aslanides, Kearns, Carmichael, Gibbs, Perry, McGregor, J., Dolan, Collier, Hood, Beatty, Reidelbach, Barrett, Boccieri, Brown, Carano, Daniels, DeBose, Domenick, Evans, D., Flowers, Hagan, Hughes, Law, Sayre, Schlichter, Schneider, Stewart, J., Uecker, Wagoner.

To amend sections 3702.30 and 3702.31 and to enact section 3702.301 of the Revised Code to exempt certain freestanding birthing centers from the requirement that a center obtain a health care facility license from the Director of Health.

To the Committee on Health, Human Services and Aging.

Am. Sub. H. B. No. 289-Representatives White, Beatty, Barrett, Brown, Smith, S., Martin, Mason, Allen, DeBose, Domenick, Evans, C., Flowers, Harwood, Key, McGregor, J., Oelslager, Schlichter, Skindell, Stewart, D., Strahorn, Yuko.

To amend section 121.37 and to enact section 121.374 of the Revised Code regarding the duties of the Ohio Family and Children First Cabinet Council and county family and children first councils.

To the Committee on Health, Human Services and Aging.

S. B. No. 239-Senators Dann, Fedor.

To amend section 3301.0714 and to enact sections 117.53, 3301.41, 3313.21, and 3314.19 of the Revised Code to require school districts and community schools to implement anti-harassment policies, to require the State Board of Education to develop a model anti-harassment policy, to require the Auditor of State to determine whether anti-harassment policies are in place when conducting audits of schools, and to require the State Board of Education to collect and maintain data on harassment in schools through the Education Management Information System.

To the Committee on Education.

S. B. No. 240-Senators Miller, Dann, Fedor, Hagan.

To amend Sections 206.66 and 206.67.08 of Am. Sub. H.B. 66 of the 126th General Assembly to increase the TANF Block Grant earmark for the Kinship Permanency Incentive Program by \$50 million in each fiscal year and to make an appropriation.

To the Committee on Finance and Financial Institutions.

S. B. No. 241-Senators Miller, Dann, Fedor, Hagan.

To amend Section 206.66 of Am. Sub. H.B. 66 of the 126th General Assembly to earmark the TANF Block Grant \$10 million in each fiscal year for fatherhood programs and to make an appropriation.

To the Committee on Finance and Financial Institutions.

S. B. No. 242-Senator Armbruster.

To amend sections 2151.011, 5103.13, and 5103.131 of the Revised Code regarding the certification of children's crisis care facilities.

To the Committee on Health, Human Services and Aging.

S. B. No. 243-Senators Dann, Miller, Fingerhut, Hagan.

To enact section 174.031 of the Revised Code to require the Ohio Housing

Finance Agency to develop and implement a program to provide housing for low-income grandparents who are guardians of a grandchild, have legal custody of a grandchild, or adopt a grandchild after a parent's rights are terminated.

To the Committee on Health, Human Services and Aging.

S. B. No. 244-Senators Austria, Schuler, Schuring, Miller, Clancy.

To amend section 4715.39 of the Revised Code to allow a dental assistant to apply pit and fissure sealants under certain circumstances.

To the Committee on Health, Human Services and Aging.

S. B. No. 245-Senators Cates, Clancy, Grendell, Mumper, Padgett, Schuring, Dann, Fedor, Zurz.

To amend section 2907.09 and to enact section 2907.41 of the Revised Code to generally increase the penalties for public indecency when the victim is a minor and the offender has a previous public indecency conviction, to require that a person charged with a sexually oriented offense or with public indecency who has a previous conviction of a sexually oriented offense or of public indecency was committed with a sexual motivation appear before the court before the court sets bail, and to generally require the court to consider certain factors before setting bail for that person.

To the Committee on Judiciary - Criminal Justice.

S. B. No. 246-Senators Schuring, Armbruster, Zurz, Hagan, Gardner, Clancy, Fedor.

To amend sections 4734.10, 4734.14, 4734.15, 4734.16, 4734.17, 4734.19, 4734.31, 4734.311, 4734.34, 4734.36, 4734.37, 4734.38, 4734.39, 4734.47, 4734.49, 4734.50, 4734.55, 4762.01, 4762.02, 4762.09, 4762.10, 4762.11, 4762.12, and 4762.18 and to enact sections 4734.211, 4734.28, 4734.281, 4734.282, 4734.283, 4734.284, 4734.285, and 4734.286 of the Revised Code to permit a chiropractor who obtains a certificate to practice acupuncture from the State Chiropractic Board to practice acupuncture and to authorize a chiropractor to supervise the performance of acupuncture by acupuncturists registered by the State Medical Board of Ohio.

To the Committee on Health, Human Services and Aging.

S. B. No. 247-Senators Schuring, Mumper, Grendell.

To amend sections 122.04, 122.10, 3706.01, 4906.01, 4906.02, 4906.04, 4906.05, 4906.06, 4906.07, 4906.08, 4906.10, 4906.13, 4906.14, 4906.97, 4906.98, and 4906.99 and to enact sections 156.15, 4905.76, and 4906.011 of the Revised Code to specify the state energy policy and make associated changes to the authority of various state agencies including the Department of Development, Air Quality Development Authority, Public Utilities Commission, and Power Siting Board.

To the Committee on Energy and Public Utilities.

YES - 5: J. KIRK SCHURING, C. J. PRENTISS, KIMBERLY A. ZURZ, JEFF JACOBSON, BILL HARRIS.

NO -

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Said bills were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Schuring submitted the following report:

The standing committee on Rules to which were referred the appointments by the Governor of:

Brian W. Barnes, Independent, from Dublin, Franklin County, Ohio, as a Member of the Real Estate Appraiser Board for a term beginning August 19, 2005 and ending at the close of business June 30, 2008, replacing Robert Weiler, whose term expired.

Terry A. Boyd, Republican, from Columbus, Franklin County, Ohio, as a Member of the Unemployment Compensation Advisory Council for a new term beginning July 29, 2005 and ending at the close of business July 7, 2009.

Shirley L. Davis, Republican, from Middletown, Hamilton County, Ohio, as a Member of the Ohio Real Estate Commission for a term beginning July 1, 2005 and ending at the close of business June 30, 2010, replacing Lois Yeager, whose term expired.

Bert Dawson, Republican, from East Liverpool, Delaware County, Ohio, as

a Member of the State Board of Registration for Professional Engineers and Surveyors for a term beginning November 18, 2005 and ending at the close of business September 24, 2010, replacing Dean C. Ringel, whose term expired.

Steven M. Kasarnich, Democrat, from Akron, Summit County, Ohio, as a Member of the Unemployment Compensation Advisory Council for a new term beginning July 29, 2005 and ending at the close of business July 7, 2009.

Michael C. Koettters, Republican, from Glendale, Hamilton County, Ohio, as a Member of the Worker Compensation Oversight Commission for a term beginning July 22, 2005 and ending at the close of business September 1, 2008, replacing George Forbes, who resigned.

Frederick E. Mills, Republican, from Upper Arlington, Franklin County, Ohio, as a Member of the Board of Building Standards for a new term beginning November 18, 2005 and ending at the close of business October 13, 2009.

Michael J. Morgan, Democrat, from Concord Twp., Lake County, Ohio, as a Member of the Board of Building Standards for a new term beginning November 18, 2005 and ending at the close of business October 13, 2009.

David C. Paul, Republican, from Strongsville, Cuyahoga County, Ohio, as a Member of the Ohio Real Estate Commission for a term beginning July 26, 2005 and ending at the close of business June 30, 2010, replacing Barbara Ann Reynolds, who resigned.

Beryl E. Rothschild, Republican, from University Heights, Cuyahoga County, Ohio, as a Member of the Board of Building Standards for a term beginning November 18, 2005 and ending at the close of Business October 13, 2009.

Stephen L. Sharp, Republican, from Springfield, Clark County, Ohio, as a Member of the State Board of Examiners of Architects for a term beginning November 18, 2005 and ending at the close of business October 2, 2010, replacing Christopher Ewald, whose term expired.

Marie Trudeau, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Ohio Fair Plan Underwriting Association Board of Governors for a new term beginning November 14, 2005 and ending at the close of business September 18, 2007.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointments.

YES - 10: BILL HARRIS, JEFF JACOBSON, RANDY GARDNER,
ROBERT F. SPADA, STEPHEN C. AUSTRIA, JAY
HOTTINGER, J. KIRK SCHURING, ROBERT F.
HAGAN, KIMBERLY A. ZURZ, C. J. PRENTISS.

NO -

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fingerhut	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Kearney	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Stivers
Wachtmann	Wilson	Zurz	Harris-32.

So the Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 136-Representatives Gilb, Hood, McGregor, Allen, Harwood, Aslanides, Barrett, Beatty, Blessing, Book, Brown, Bulp, Cassell, Chandler, Collier, Combs, DeGeeter, Domenick, C. Evans, D. Evans, Faber, Fende, Flowers, Garrison, Hagan, Healy, Hughes, Latta, Mason, Mitchell, Oelslager, Otterman, S. Patton, Perry, Raussen, Reidelbach, Schaffer, Schneider, Seaver, Seitz, G. Smith, D. Stewart, Wagoner, Webster, Wolpert, Yuko Senator Dann.

To amend sections 3111.04, 3111.06, 3111.07, 3111.381, and 3123.171 and to enact section 3109.043 of the Revised Code relative to paternity actions and interest on child support arrearages, to allow a child support enforcement agency to bring an action relative to the determination of a parent and child relationship if the child's father or alleged father receives public assistance or services under Title IV-D of the "Social Security Act," and to allow a court to make a temporary custody determination before a parent and child relationship has been legally established, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 136**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fingerhut	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Kearney	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Stivers
Wachtmann	Wilson	Zurz	Harris-32.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Armbruster moved to amend the title as follows:

Add the names: "Armbruster, Cates, Gardner, Harris, Zurz, Padgett, Niehaus, Spada, Clancy, Mumper, Goodman."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bill was introduced and considered the first time:

S. B. No. 248-Senator Armbruster.

To amend section 4715.39 of the Revised Code to allow dental assistants to remove orthodontic adhesives, bands, and brackets from teeth.

OFFERING OF RESOLUTIONS

Senator Clancy offered the following concurrent resolution:

S. C. R. No. 22-Senator Clancy.

Recognizing Stalking Awareness Month, January 2006.

The question being, "Shall the concurrent resolution, **S. C. R. No. 22**, be adopted?"

So the concurrent resolution was adopted.

The question being, "Shall the title be agreed to?"

Senator Clancy moved to amend the title as follows:

Add the names: "Gardner, Carey, Goodman, Cates, Kearney, Spada, Dann, Padgett, Fedor, Austria, Zurz, Fingerhut, Jordan, Jacobson, Wachtmann, Brady, Hagan, Harris, Wilson, Amstutz, Schuler, Schuring, Armbruster, Stivers, Mumper, Niehaus."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

COMMUNICATIONS FROM THE GOVERNOR

The President handed down the following messages from the Governor which were read by the Clerk:

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Phillip R. Barbosa, Republican, from Toledo, Lucas County, Ohio, as a Member of the Commission on Hispanic-Latino Affairs for a term beginning December 23, 2005 and ending at the close of business October 7, 2008.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 28th day of December in the year of our Lord, two thousand and five.

[Seal]

Bob Taft,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, George G. Cloyd, Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the The Ohio State University Board of Trustees for a term beginning December 30, 2005 and ending at the close of business May 13, 2009.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 4th day of January in the year of our Lord, two thousand and six.

[Seal]

Bob Taft,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Donna B. Evans, Independent, from Worthington, Franklin County, Ohio, as a Member of the Central State University Board of Trustees for a term beginning December 23, 2005, and ending at the close of business June 30, 2014, replacing Frederick L. Ransier, III, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 28th day of December in the year of our Lord, two thousand and five.

[Seal]

Bob Taft,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Deneal A. Michaels, Republican, from Alliance, Stark County, Ohio, as a Member of the University of Akron Board of Trustees (Student) for a term beginning December 23, 2005, and ending at the close of business July 1, 2007, replacing James M. Faucett, III, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 28th day of December in the year of our Lord, two thousand and five.

[Seal]

Bob Taft,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, John D. Ong, Republican, from Hudson, Summit County, Ohio, as a Member of the The Ohio State University Board of Trustees for a term beginning December 30, 2005 and ending at the close of business May 13, 2010.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 4th day of January in the year of our Lord, two thousand and six.

[Seal]

Bob Taft,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Simon Rodriguez, Republican, from Perrysburg, Wood County, Ohio, as a Member of the Commission on Hispanic-Latino Affairs for a new term beginning December 23, 2005 and ending at the close of business October 7, 2008.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 28th day of December in the year of our Lord, two thousand and five.

[Seal]

Bob Taft,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Mary J. Santiago, Democrat, from Lorain, Lorain County, Ohio, as a Member of the Commission on Hispanic-Latino Affairs for a term beginning December 23, 2005 and ending at the close of business October 7, 2008.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 28th day of December in the year of our Lord, two thousand and five.

[Seal]

Bob Taft,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Leslie H. Wexner, from New Albany, Franklin County, Ohio, as a Member of the The Ohio State University Board of Trustees for a term beginning December 30, 2005 and ending at the close of business May 13, 2011.

IN WITNESS WHEREOF, I have hereunto subscribed my name and

caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 4th day of January in the year of our Lord, two thousand and six.

[Seal]

Bob Taft,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Joseph V. Zielinski, Democrat, from Swanton, Fulton County, Ohio, as a Member of the State Auctioneers Commission for a term beginning December 23, 2005, and ending at the close of business October 9, 2008, replacing Pamela Rose, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 28th day of December in the year of our Lord, two thousand and five.

[Seal]

Bob Taft,
Governor.

Said appointments were referred to the Committee on Rules.

Message from the House of Representatives

Mr. President:

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

Sub. H. B. No. 279 - Representatives Hughes, Seitz, Coley, Willamowski, Core, Mason, Barrett, Beatty, Blessing, Book, Brown, Bulp, Calvert, Carano, Cassell, DeBose, DeGeeter, Distel, Dolan, Domenick, Driehaus, Evans, C., Evans, D., Faber, Fende, Flowers, Garrison, Gibbs, Gilb, Hartnett, Healy, Hoops, Law, Martin, McGregor, J., McGregor, R., Miller, Otterman, Patton, T., Perry, Reidelbach, Sayre, Schaffer, Setzer, Stewart, D., Uecker, Williams, Yates, Yuko

To enact sections 317.082 and 2923.201 of the Revised Code to prohibit a person from changing, altering, removing, or obliterating the name of the manufacturer, model, manufacturer's serial number, or any other mark of identification on a firearm, to prohibit a person from possessing a firearm knowing or having reasonable cause to believe any such mark of identification on the firearm has been changed, altered, removed, or obliterated, to prohibit

the inclusion of an individual's Social Security number on copies of documents submitted for recording in the office of the county recorder, and to create an affirmative defense to associated civil liability of a good faith effort to comply with the noninclusion requirement.

H. B. No. 310 - Representatives Oelslager, Fessler, C. Evans, Setzer, McGregor, J., Carano, Gilb, Latta, Combs, Reidelbach, Schaffer, Perry, Collier, Fende, Webster, Hughes, Evans, D., Seitz, Willamowski, Bulp, Aslanides, Barrett, Beatty, Blessing, Book, Brown, Buehrer, Calvert, Cassell, DeBose, Distel, Domenick, Flowers, Garrison, Gibbs, Harwood, Healy, Hood, Hoops, Key, Mason, Miller, Mitchell, Otterman, Sayre, Skindell, Stewart, D., Stewart, J., Taylor, Williams, Woodard, Yates, Yuko

To amend section 2907.08 of the Revised Code to clarify that the prohibitions it sets forth that refer to conduct involving the photographing of another also apply to conduct involving the videotaping, filming, or other recording of another.

Sub. H. B. No. 313 - Representatives Stewart, J., Seitz, Webster, McGregor, J., Patton, T., Schneider, Wagoner, Widener, Hagan, Gibbs, Coley, Boccieri, Koziura, Buehrer, Domenick, Evans, C., Healy, Hughes, Martin, Otterman, Reidelbach, Schaffer, Stewart, D., Uecker

To amend sections 135.18, 135.181, and 135.353 and to enact section 135.144 of the Revised Code to reduce pledging requirements by public depositories securing repayment of public moneys; to specify debt and other obligations of certain out-of-state subdivisions as eligible to secure repayment of state or political subdivision public moneys; and to authorize investment of certain political subdivision and county public moneys in certificates of deposit issued by federally insured banks and savings and loan associations, wherever located, provided certain conditions apply.

Attest:

Laura P. Clemens,
Clerk.

Said bills were considered the first time.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 164.02 of the Ohio Revised Code, the President of the Senate appoints the following public member to serve on the Ohio Public Works Commission:

Merlin Sheets
Sunbury, Ohio 43074
Term beginning January 1, 2006 and ending December 31, 2008
(replacing James Mears, whose term expired)

On the motion of Senator Jacobson, the Senate adjourned until Wednesday,
January 11, 2006 at 1:30 p.m.

Attest:

DAVID A. BATTOCLETTI,
Clerk.