

**OHIO**

**SENATE**

**JOURNAL**

TUESDAY, JANUARY 24, 2006

ONE HUNDRED FORTIETH DAY  
Senate Chamber, Columbus, Ohio  
**Tuesday, January 24, 2006, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Abby Flemister, Trinity Episcopal Church, Columbus, 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:

**Am. Sub. H. B. No. 251**-Representatives Uecker, Kearns, Raga, McGregor, J., Martin, Schneider, Collier, Wagoner, Bulp, Law, Brown, Williams, Mason, Hagan, Stewart, J., Hartnett, Barrett, Blessing, Calvert, Carano, Cassell, Chandler, Domenick, Evans, C., Faber, Fende, Flowers, Garrison, Hughes, Miller, Mitchell, Oelslager, Otterman, Patton, T., Raussen, Reidelbach, Schlichter, Seitz, Setzer, Skindell, Smith, G., Stewart, D., Strahorn, Webster, Yates, Yuko.

To amend sections 123.011, 125.09, and 125.11 and to enact section 3345.69 of the Revised Code to specify certain energy efficiency and conservation standards relating to facility construction and leasing that the Office of Energy Services in the Department of Administrative Services must adopt and with which state agencies and public schools must comply unless they meet higher standards; require certain additional duties, and additional cooperation between the Office and the Office of Energy Efficiency of the Department of Development, relating to state purchasing; require the Department of Administrative Services to give preference to procuring products and services that meet federal energy efficiency guidelines; and require boards of trustees of state institutions of higher education to adopt rules to carry out on- and off-campus building, energy efficiency and conservation guidelines developed by a committee of those institutions in consultation with the Office of Energy Services.

To the Committee on Energy and Public Utilities.

**Sub. H. B. No. 98**-Representatives Setzer, Blessing, Kearns, Ujvagi, Otterman, Carano, Seaver, Uecker, Schaffer, Latta, Evans, D., Gilb, Hughes, Allen, Barrett, Book, Calvert, Carmichael, Cassell, Coley, Daniels, Domenick,

Evans, C., Flowers, Hagan, McGregor, J., Oelslager, Schneider, Seitz, Smith, G., Wagoner, Webster, White, Widener, Widowfield, Willamowski.

To amend section 2903.13 of the Revised Code to increase the penalty for assault when the victim is performing services in an emergency facility.

To the Committee on Judiciary - Criminal Justice.

**Am. Sub. H. B. No. 70**-Representatives Evans, C., McGregor, J., Aslanides, Evans, D., Faber, Reidelbach, Patton, T., Ujvagi, Perry, Willamowski, Combs, Carano, Distel, Law, Taylor, Kearns, Widener, Schaffer, Webster, Strahorn, Collier, Patton, S., Harwood, Uecker, Smith, G., DeGeeter, Allen, Hagan, Martin, Kilbane, Gibbs, Driehaus, Gilb, Hartnett, Latta, Seitz, Skindell, Barrett, Beatty, Blessing, Book, Brown, Buehrer, Calvert, Cassell, Chandler, Coley, Core, DeBose, DeWine, Domenick, Fende, Flowers, Healy, Hood, Hughes, Key, McGregor, R., Mitchell, Oelslager, Otterman, Peterson, Raussen, Reinhard, Sayre, Schlichter, Schneider, Setzer, Sykes, Trakas, Wagner, Wagoner, Walcher, Williams, Wolpert, Woodard, Yuko.

To amend section 2101.16 and to enact sections 305.51 and 2101.164 of the Revised Code to authorize boards of county commissioners to exempt from taxation the homesteads of qualifying members of the National Guard and reserve components of the Armed Forces who have been deployed outside the state and to exempt estates of members of the United States Armed Services who died while serving in a combat zone from being charged any fees associated with the filing of the decedent's will for probate or the administration of the decedent's estate or any fees for relieving the estate from administration or granting an order for summary release from administration.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 255**-Senators Dann, Hagan, Miller, Zurz, Fedor, Roberts, Brady.

To enact sections 1349.60 to 1349.66 of the Revised Code to allow a consumer to place a security freeze on the consumer's credit report and a security alert in the consumer's credit report.

To the Committee on Finance and Financial Institutions.

**S. B. No. 256**-Senator Brady.

To enact sections 5101.91, 5101.911, 5101.912, 5101.913, 5101.914, and 5101.915 of the Revised Code to require certain employers in this state who do not provide a specified amount of health care coverage to their employees to make contributions to a fund to be used to supplement this state's share of Medicaid costs.

To the Committee on Insurance, Commerce and Labor.

**S. B. No. 257**-Senators Fedor, Fingerhut, Clancy, Padgett, Goodman, Miller, Schuler, Schuring, Zurz, Dann, Gardner, Hagan, Roberts, Prentiss, Kearney, Brady, Wilson, Carey, Wachtmann, Amstutz, Austria.

To enact section 5.2232 of the Revised Code to designate March as "Multiple Sclerosis Awareness Month."

To the Committee on Health, Human Services and Aging.

**S. B. No. 258**-Senators Hagan, Roberts, Brady, Prentiss.

To enact sections 5101.91, 5101.911, 5101.912, 5101.913, 5101.914, and 5101.915 of the Revised Code to require certain employers in this state who do not provide a specified amount of health care coverage to their employees to make contributions to a fund to be used to supplement this state's share of Medicaid costs.

To the Committee on Insurance, Commerce and Labor.

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

NO - 0.

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:

**Susan J. Fairless**, Republican, from Perrysville, Ashland County, Ohio, as a Member of the Recycling and Litter Prevention Advisory Council for a new term beginning December 23, 2005 and ending at the close of business November 18, 2008.

**Prabhat Krishnaswamy**, Independent, from Columbus, Franklin County, Ohio, as a Member of the Recycling and Litter Prevention Advisory Council for a term beginning December 23, 2005 and ending at the close of business November 18, 2008.

**Stephen J. Sargent**, Democrat, from Circleville, Pickaway County, Ohio, as a Member of the Recycling and Litter Prevention Advisory Council for a term beginning December 23, 2005 and ending at the close of business November 18, 2008.

**Diane M. Shew**, Independent, from Danville, Knox County, Ohio, as a Member of the Recycling and Litter Prevention Advisory Council for a term beginning December 23, 2005 and ending at the close of business November 18, 2008.

**Daniel G. Weisenbach**, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Recycling and Litter Prevention Advisory Council for a new term beginning December 23, 2005 and ending at the close of business November 18, 2008.

**Richard S. Williams**, Democrat, from Oberlin, Lorain County, Ohio, as a Member of the Recycling and Litter Prevention Advisory Council for a new term beginning December 23, 2005 and ending at the close of business November 18, 2008.

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, STEPHEN C. AUSTRIA, JAY HOTTINGER, J. KIRK SCHURING, ROBERT F. HAGAN, TERESA FEDOR, KIMBERLY A. ZURZ, C. J. PRENTISS.

NO - 0.

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

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Grendell	Hagan	Hottinger
Jacobson	Jordan	Kearney	Miller
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann	Wilson	Zurz
			Harris-33.

So the Senate advised and consented to said appointments.

### HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

**Am. Sub. S. B. No. 53**-Senators Carey, Zurz, Harris, Jacobson, Padgett, Clancy, Grendell, Fedor, Miller, Austria, Goodman, Schuring, Amstutz, Cates, Coughlin, Gardner, Hottinger, Armbruster, Brady, Dann, Fingerhut, Hagan, Jordan, Mallory, Mumper, Niehaus, Prentiss, Roberts, Schuler, Spada, Wilson Representatives Oelslager, Latta, Core, Seitz, Allen, Beatty, Blessing, Boccieri, Calvert, Cassell, Collier, Daniels, DeBose, DeGeeter, Distel, Domenick, Evans, C., Fende, Flowers, Garrison, Gibbs, Gilb, Hartnett, Harwood, Healy, Hughes, Mason, McGregor, J., Miller, Mitchell, Otterman, Patton, S., Patton, T., Raga, Raussen, Reidelbach, Sayre, Schlichter, Schneider, Setzer, Skindell, Stewart, D., Stewart, J., Taylor, Uecker, White, Williams, Wolpert, Woodard, Yuko, Book.

To amend sections 109.60, 2151.022, 2152.02, 2919.22, 2925.01, 2925.04, 2925.041, 2925.14, 2925.52, and 4301.61 and to enact sections 2925.55, 2925.56, 2925.57, 2925.58, 2933.33, 3715.05, and 3715.06 of the Revised Code to govern pseudoephedrine sales in Ohio, were taken up.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

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

Harris-33.

So the Senate concurred in the amendments of the House of Representatives.

### BILLS FOR THIRD CONSIDERATION

**Sub. H. B. No. 101**-Representatives Wolpert, Wagner, Latta, McGregor, Kearns, Aslanides, C. Evans, Seaver, Perry, Carano, Domenick, Williams, Chandler, Daniels, Yuko, Ujvagi, Fende, Uecker, Blessing, Buehrer, Cassell, Collier, Combs, Distel, D. Evans, Flowers, Gilb, Hagan, Hughes, Key, Koziura, Law, Miller, T. Patton, Reidelbach, Seitz, Setzer, G. Smith, D. Stewart, Willamowski.

To create the Local Government Public Notice Task Force to study local government public notice requirements and to issue a report, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 101**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Grendell	Hagan	Hottinger
Jacobson	Jordan	Kearney	Miller
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann	Wilson	Zurz
			Harris-33.

So the bill passed.

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

Senator Stivers moved to amend the title as follows:

Add the names: "Stivers, Schuler."

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

The motion was agreed to and the title so amended.

**H. B. No. 296**-Representatives Buehrer, Latta, Hagan, Aslanides, Setzer, Seaver, Hood, Kearns, Garrison, Blessing, Boccieri, Book, Bulp, Carano,

Cassell, Coley, Core, Dolan, Domenick, Evans, C., Evans, D., Faber, Fende, Fessler, Gibbs, Gilb, Harwood, Hoops, Key, Law, Martin, McGregor, J., McGregor, R., Oelslager, Otterman, Perry, Peterson, Raga, Reinhard, Sayre, Schaffer, Schlichter, Schneider, Seitz, Stewart, D., Taylor, Uecker, Wagoner, Webster, White, Willamowski, Yuko, Patton, T. Senators Mumper, Carey, Grendell, Schuring.

To amend sections 1531.01, 1533.10, and 1533.111 and to enact section 1533.102 of the Revised Code to provide for the issuance of apprentice hunting licenses and apprentice fur taker permits and to enable persons who are sixteen or seventeen years of age to obtain youth hunting licenses and youth fur taker permits, was considered the third time.

The question being, "Shall the bill, **H. B. No. 296**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Grendell	Hagan	Hottinger
Jacobson	Jordan	Kearney	Miller
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann	Wilson	Zurz
			Harris-33.

So the bill passed.

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

Senator Mumper moved to amend the title as follows:

Add the names: "Amstutz, Armbruster, Austria, Cates, Clancy, Dann, Fedor, Fingerhut, Gardner, Goodman, Hagan, Harris, Hottinger, Jordan, Kearney, Niehaus, Padgett, Prentiss, Roberts, Schuler, Spada, Stivers, Wachtmann, Wilson, Zurz."

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. 259**-Senators Niehaus, Fingerhut.

To amend sections 1333.84, 1333.85, 4301.13, and 4301.24 of the Revised Code to revise the statutes governing the termination of manufacturers'

franchise agreements with wine distributors, to eliminate the Liquor Control Commission's authority to set minimum mark-ups on wholesale wine sales and to fix minimum prices on wholesale wine sales, to prohibit volume and quantity discounting for the purpose of assisting the wholesale or retail sale of beer or intoxicating liquor, to allow wine distributors and wine retailers a maximum of thirty days of credit when purchasing wine, and to create the Wholesale Wine Distribution Study Committee.

### OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolutions were offered:

**S. R. No. 154**-Senator Jordan.

Honoring Alisha Anthony on winning the 2005 Division III State Long Jump Championship.

**S. R. No. 155**-Senators Jordan, Wachtmann.

Honoring the Delphos St. John's High School football team on winning the 2005 Division VI State Championship.

**S. R. No. 156**-Senator Harris.

Honoring the State Board of Education of Ohio on its Fiftieth Anniversary.

The question being, "Shall the resolutions listed under the President's prerogative be adopted?"

So the resolutions were adopted.

### 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, Steven L. Swart, Republican, from Nelsonville, Hocking County, Ohio, as a Member of the Hocking Technical College Board of Trustees for a term beginning January 13, 2006, and ending at the close of business August 26, 2008, replacing Ellsworth Holden, 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 17th 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, Richard H. Brandt, Republican, from Logan, Hocking County, Ohio, as a Member of the Hocking Technical College Board of Trustees for a new term beginning January 13, 2006 and ending at the close of business August 26, 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 17th day of January in the year of our Lord, two thousand and six.

[Seal]

Bob Taft,  
Governor.

Said appointments were referred to the Committee on Rules.

On the motion of Senator Jacobson, the Senate adjourned until Wednesday, January 25, 2006 at 11:30 a.m.

Attest:

DAVID A. BATTOCLETTI,  
Clerk.