

OHIO

SENATE

JOURNAL

THURSDAY, FEBRUARY 16, 2006

ONE HUNDRED FIFTIETH DAY
Senate Chamber, Columbus, Ohio
Thursday, February 16, 2006, 11:00 o'clock a.m.

The Senate met pursuant to adjournment.

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

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Carey submitted the following report:

The standing committee on Finance and Financial Institutions, to which was referred **Sub. H. B. No. 313**-Representative Stewart, J., et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Carey, Stivers.

YES - 13: JOHN A. CAREY, STEVE STIVERS, TOM NIEHAUS,
GARY W. CATES, JOY PADGETT, RON AMSTUTZ,
STEPHEN C. AUSTRIA, PATRICIA M. CLANCY, TOM
ROBERTS, CHARLES A. WILSON, RAY MILLER,
DANIEL R. BRADY, RANDY GARDNER.

NO - 0.

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

The report of the committee was accepted.

Senator Cates submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **S. B. No. 266**-Senator Kearney, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Cates, Niehaus.

YES - 8: GARY W. CATES, TIMOTHY J. GRENDALL, JEFFRY
J. ARMBRUSTER, J. KIRK SCHURING, LARRY A.
MUMPER, TERESA FEDOR, ERIC H. KEARNEY, TOM
NIEHAUS.

NO - 0.

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

The report of the committee was accepted.

Senator Coughlin submitted the following report:

The standing committee on Health, Human Services and Aging, to which was referred **S. B. No. 242**-Senator Armbruster, having had the same under consideration, reports it back and recommends its passage.

YES - 10: KEVIN J. COUGHLIN, RANDY GARDNER, RAY MILLER, ROBERT F. HAGAN, CHARLES A. WILSON, JEFFRY J. ARMBRUSTER, PATRICIA M. CLANCY, JIM JORDAN, LARRY A. MUMPER, JEFF JACOBSON.

NO - 0.

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

The report of the committee was accepted.

Senator Coughlin submitted the following report:

The standing committee on Health, Human Services and Aging, to which was referred **H. B. No. 287**-Representative Aslanides, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Coughlin, Gardner, Jacobson, Clancy.

YES - 8: KEVIN J. COUGHLIN, RANDY GARDNER, JEFF JACOBSON, JIM JORDAN, LARRY A. MUMPER, PATRICIA M. CLANCY, CHARLES A. WILSON, JEFFRY J. ARMBRUSTER.

NO - 2: RAY MILLER, ROBERT F. HAGAN.

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

The report of the committee was accepted.

Senator Jordan submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **Am. H. B. No. 214**-Representative Hughes, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 7: JIM JORDAN, PATRICIA M. CLANCY, STEVE STIVERS, J. KIRK SCHURING, KIMBERLY A. ZURZ, MARC DANN, ERIC H. KEARNEY.

NO - 1: TIMOTHY J. GRENDELL.

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

The report of the committee was accepted.

Senator Jordan submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **Sub. H. B. No. 259**-Representative Wagner, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Clancy, Grendell, Schuring, Dann.

YES - 8: JIM JORDAN, PATRICIA M. CLANCY, STEVE STIVERS, TIMOTHY J. GRENDALL, J. KIRK SCHURING, KIMBERLY A. ZURZ, MARC DANN, ERIC H. KEARNEY.

NO - 0.

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

The report of the committee was accepted.

MOTIONS

Senator Coughlin moved that Senators absent the week of Sunday, February 12, 2006, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

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

The motion was agreed to.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bill was introduced and considered the first time:

S. B. No. 273-Senators Cates, Padgett, Schuring, Wachtmann, Fingerhut, Jordan, Coughlin.

To amend section 5747.01 of the Revised Code to exempt military retirement pay from the personal income tax.

OFFERING OF RESOLUTIONS

Senator Roberts offered the following resolution:

S. R. No. 164-Senator Roberts.

Honoring the Great Darke County Fair on its Sesquicentennial.

The question being, "Shall the resolution, **S. R. No. 164**, be adopted?"
So the resolution was 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, Sandra A. Drabik, Republican, from Sylvania, Lucas County, Ohio, as a Member of the Ohio Building Authority for a new term beginning February 10, 2006 and ending at the close of business December 31, 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 14th day of February 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, Edward D. Featheringham, Republican, from Bergholz, Jefferson County, Ohio, as a Member of the Jefferson Community College Board of Trustees for a new term beginning February 10, 2006 and ending at the close of business January 31, 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 14th day of February 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, Manuel R. Garcia, Republican, from Strongsville, Cuyahoga County, Ohio, as a Member of the State Board of Orthotics, Prosthetics and Pedorthics for a new term beginning February 10, 2006 and ending at the close of business December 6, 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 10th day of February 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, James R. Garges, Independent, from Cincinnati, Hamilton County, Ohio, as a Member of the Recreation and Resources Commission for a term beginning February 10, 2006, and ending at the close of business February 1, 2010, replacing Joseph J. Sommer, 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 14th day of February 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, Fred J. Hitzhusen, Independent, from Columbus, Franklin County, Ohio, as a Member of the Recreation and Resources Commission for a term beginning February

10, 2006, and ending at the close of business February 1, 2011, replacing Gary Mullins, who resigned.

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 14th day of February 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, J. Thomas Pascoe, Republican, from Sandusky, Erie County, Ohio, as a Member of the Watereays Safety Council for a new term beginning February 10, 2006 and ending at the close of business January 31, 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 14th day of February 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, George A. Smith, Republican, from Dayton, Montgomery County, Ohio, as a Member of the Ohio Thoroughbred Race Fund Advisory Council for a new term beginning February 10, 2006 and ending at the close of business January 31, 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 14th day of February 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, Douglas B. Van Atta, Independent, from Milford, Clermont County, Ohio, as a Member of the State Board of Orthotics, Prosthetics, and Pedorthics for a new term beginning February 10, 2006 and ending at the close of business December 6, 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 10th day of February in the year of our Lord, two thousand and six.

[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. 197 - Representatives Raussen, Gibbs, McGregor, J., Carmichael, Evans, C., Flowers, Evans, D., Faber, Ujvagi, Koziura, Schaffer, Blasdel, Martin, Beatty, Blessing, Cassell, Collier, DeBose, Distel, Dolan, Domenick, Fessler, Hagan, Hughes, Key, Law, Mason, Miller, Patton, S., Smith, S., Stewart, D., Sykes, Wagoner, White, Williams, Woodard, Yuko

To amend sections 3727.11, 3727.12, 3727.14, and 3727.16, to amend for the purpose of adopting new section numbers as indicated in parentheses sections 3727.11 (3727.34), 3727.12 (3727.42), 3727.121 (3727.43), 3727.14 (3727.36), and 3727.16 (3727.45), to enact sections 3727.30, 3727.301, 3727.302, 3727.303, 3727.304, 3727.305, 3727.31, 3727.32, 3727.33, 3727.331, 3727.332, 3727.35, 3727.37, 3727.38, 3727.39, 3727.40, 3727.41, and 3727.44, and to repeal sections 3727.13 and 3727.15 of the Revised Code concerning hospitals submitting information about performance measures and disclosing price data.

Sub. H. B. No. 311 - Representatives White, McGregor, J., Setzer, Schaffer, Oelslager, Coley, Allen, Peterson, Hood, Flowers, Brown, Evans, C., Barrett, Martin, Schneider, Reidelbach, Smith, S., DeBose, Aslanides, Beatty, Blessing, Bubb, Buehrer, Calvert, Cassell, Collier, Combs, Distel, Domenick, Evans, D., Fessler, Hughes, Key, McGregor, R., Miller, Patton, S., Patton, T., Perry, Seitz, Woodard, Yuko

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

H. B. No. 440 - Representatives Stewart, J., Martin, McGregor, J., Ujvagi, Yuko, Reinhard, Seitz, Uecker, Blasdel, Evans, C., Garrison, Hood, Reidelbach, Hagan, Brinkman, Blessing, Sayre, Bulp, Collier, Aslanides, Brown, Cassell, Chandler, Combs, DeBose, Domenick, Fende, Harwood, Hughes, Law, Otterman, Raussen, Schaffer, Strahorn, Taylor, Trakas, Wagner, Wolpert, Barrett, Boccieri, Book, Buehrer, Calvert, Carano, Carmichael, Coley, Core, Daniels, Distel, Dolan, Driehaus, Evans, D., Faber, Flowers, Gibbs, Gilb, Hartnett, Healy, Key, Latta, Mason, McGregor, R., Miller, Mitchell, Oelslager, Patton, S., Patton, T., Perry, Peterson, Raga, Schlichter, Setzer, Smith, G., Stewart, D., Wagoner, Webster, White, Widener, Willamowski, Williams, Woodard, Yates, Beatty

To amend section 3706.01 of the Revised Code to revise the definition of "air quality facility" under the Air Quality Development Authority Law.

Sub. H. B. No. 478 - Representatives Wagoner, Ujvagi, Brown, Perry, Latta, Webster, Miller, Core, Hartnett, Evans, C., Hoops, McGregor, J., Sykes, Skindell, Coley, Barrett, Beatty, Blessing, Book, Buehrer, Calvert, Carano, Cassell, Collier, Combs, DeBose, DeGeeter, Distel, Dolan, Domenick, Evans, D., Fende, Flowers, Gilb, Hughes, Key, Martin, Mason, Mitchell, Otterman, Patton, S., Patton, T., Raga, Redfern, Reidelbach, Seitz, Setzer, Smith, G., Smith, S., Stewart, J., Willamowski, Williams, Woodard, Yates, Yuko

To amend sections 145.011, 151.04, 154.01, 3305.01, 3307.01, 3333.045, 3334.01, 3345.04, 3345.12, 3345.17, 3345.31, 3345.32, 3345.50, 3345.51, and 3345.71; to enact sections 3364.01, 3364.02, 3364.03, 3364.04, 3364.05, and 3364.06; to repeal sections 3350.01, 3350.02, 3350.03, 3350.04, 3350.05, 3360.01, 3360.02, 3360.03, 3360.04, and 3360.05 of the Revised Code; and to amend Sections 209.63, 209.63.57, and 209.64.22 of Am. Sub. H.B. 66 of the 126th General Assembly to combine the University of Toledo and the Medical University of Ohio at Toledo.

H. B. No. 379 - Representatives Yuko, DeGeeter, Hughes, Trakas, Harwood, Sykes, DeBose, Redfern, Brown, Williams, Otterman, Mason, Oelslager, Smith, S., Driehaus, Stewart, D., Patton, S., Wolpert, Barrett, Domenick, Fende, Garrison, Strahorn, Willamowski, Faber, Schaffer, Chandler, Flowers, Evans, C., Yates, Reidelbach, Hartnett, Combs, Dolan, McGregor, J., Carano, Skindell, Boccieri, Miller, Healy, Gilb, Perry, Wagoner, Beatty, Cassell, Ujvagi, Allen, Key, Latta, Bulp, Distel, Mitchell, Book, Coley, Sayre, Blasdel, Carmichael, Patton, T., Walcher, Setzer, Uecker, Aslanides, Blessing, Brinkman, Buehrer, Calvert, Collier, Evans, D., Gibbs, Hagan, Hood, Hoops, Kilbane, Koziura, Law, Martin, McGregor, R., Peterson, Raussen, Reinhard, Schlichter, Seitz, Smith, G., Stewart, J., Taylor,

Webster, White, Widener, Widowfield, Woodard

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

Attest: Laura P. Clemens,
Clerk.

Said bills were considered the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following bills:

Sub. S. B. No. 33 - Senator Spada- et al.

Am. H. B. No. 102 - Representative Wolpert - et al.

Sub. H. B. No. 257 - Representative Hagan - et al.

Attest: Laura P. Clemens,
Clerk.

The President signed said bills.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

S. B. No. 184 - Senators Gardner, Armbruster, Cates, Grendell, Mumper, Niehaus, Padgett, Wilson Representatives Barrett, Beatty, Blessing, Brown, Carano, Combs, DeBose, Domenick, Driehaus, Evans, D., Fende, Fessler, Flowers, Hughes, Key, Latta, Otterman, Patton, S., Perry, Skindell, Smith, G., Wagoner, Willamowski, Williams, Woodard, Yates

To amend sections 4511.21 and 4511.251 of the Revised Code to establish a 35-mile per hour speed limit for highways outside municipal corporations within island jurisdictions.

Attest: Laura P. Clemens,
Clerk.

On the motion of Senator Coughlin, the Senate adjourned until Tuesday,
February 21, 2006 at 11:00 o'clock a.m.

Attest: DAVID A. BATTOCLETTI,
Clerk.