

**OHIO**

**SENATE**

**JOURNAL**

TUESDAY, FEBRUARY 22, 2005

TWENTIETH DAY  
Senate Chamber, Columbus, Ohio  
**Tuesday, February 22, 2005, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Abeoseh 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:

**H. B. No. 11**-Representatives Schlichter, J. Stewart, Latta, Hartnett, C. Evans, S. Patton, Buehrer, Wolpert, Oelslager, Willamowski, Carano, Kearns, Setzer, Reidelbach, Combs, Hughes, Flowers, DeWine, Chandler, Brown, McGregor, Harwood, T. Patton, Calvert, Walcher, Taylor, Raga.

To amend section 3313.616 of the Revised Code to grant high school diplomas to certain veterans of the Vietnam Conflict.

To the Committee on Education.

**S. B. No. 62**-Senators Carey, Fingerhut, Wachtmann, Miller.

To amend sections 5101.75, 5101.752, 5111.204, 5111.62, and 5111.88; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 5101.75 (173.42) and 5101.752 (173.43); to enact section 5111.881; and to repeal sections 5101.751, 5101.753, 5101.754, and 5111.205 of the Revised Code to establish a program for providing long-term care consultations to residents and potential residents of nursing facilities and to require the identification of options for financing Medicaid long-term care services according to individual needs and preferences, including preferences for home and community-based services.

To the Committee on Health, Human Services and Aging.

**S. B. No. 63**-Senators Carey, Goodman, Miller.

To amend sections 121.37, 2151.23, 2151.353, 2151.361, 2151.412, 2151.413, 2151.416, 2151.417, 5153.16, and 5153.19 and to enact sections 121.373, 121.374, 121.381, 121.382, 5103.40, 5103.41, 5103.42, 5103.43, 5103.44, 5103.45, 5103.46, 5103.47, 5103.48, 5103.49, 5103.50, 5103.51, 5103.52, 5103.53, and 5103.54 of the Revised Code to provide for voluntary placement agreements for children with mental illness, to prohibit a public children services agency from requiring that a parent or custodian relinquish legal custody in order to access services under a voluntary placement agreement, and to revise the law governing county families and children first councils.

To the Committee on Health, Human Services and Aging.

**S. B. No. 64**-Senators Grendell, Schuring, Schuler, Mumper, Clancy.

To amend section 5731.09 of the Revised Code to exempt from the estate tax certain contributions to a trust or fund attributable to a decedent's former employer.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 65**-Senators Coughlin, Schuler, Mumper, Hottinger.

To amend sections 109.57, 109.572, 3317.022, and 3317.03 and to enact sections 3310.01 to 3310.12 of the Revised Code to establish the Special Education Scholarship Program to provide scholarships for handicapped children to attend alternative public and nonpublic special education programs.

To the Committee on Education.

**S. B. No. 66**-Senators Hagan, Fingerhut, Fedor, Brady.

To amend section 3704.05 and to enact sections 3704.30 to 3704.36 of the Revised Code to require electric generating facilities to comply with certain requirements regarding mercury emissions.

To the Committee on Energy and Public Utilities.

**S. B. No. 67**-Senators Hagan, Fedor, Miller, Brady.

To amend section 3314.03 and to enact section 3313.6013 of the Revised Code to require public and chartered nonpublic schools to test students for dyslexia and related disorders and to provide intervention services to students identified as having dyslexia or a related disorder.

To the Committee on Education.

**S. B. No. 68**-Senators Hagan, Brady, Fedor.

To enact sections 3922.01 to 3922.15, 3922.21 to 3922.28, 3922.31, 3922.32, and 3922.33 of the Revised Code to establish and operate the Ohio Health Care Plan to provide universal health care coverage to all Ohio residents.

To the Committee on Insurance, Commerce and Labor.

**S. B. No. 69**-Senators Hagan, Fedor.

To enact section 4905.88 of the Revised Code to establish an annual renewable energy requirement for electric utilities and electric services companies that provide retail electric generation service in Ohio and to authorize the Public Utilities Commission to establish a system of renewable energy credits.

To the Committee on Energy and Public Utilities.

**S. B. No. 70**-Senators Hagan, Fedor.

To enact sections 917.30 and 3745.50 to 3745.55 of the Revised Code to prohibit the sale and distribution of mercury-added products, to establish exemptions from that prohibition, to require labeling of all mercury-added products, and to establish other requirements concerning mercury and mercury-added products.

To the Committee on Health, Human Services and Aging.

**S. B. No. 71**-Senators Wilson, Brady, Schuring, Clancy, Fingerhut, Zurz, Roberts, Carey, Fedor, Padgett, Miller, Niehaus.

To permit certain school districts and nonpublic schools located in areas flooded during the 2004-2005 school year to count time that schools are in session beyond the required minimum number of hours in order to make up "calamity days" missed in excess of the number of days permitted by law and the number of days specified in their contingency plans, and to declare an emergency.

To the Committee on Education.

YES - 5: MARK MALLORY, C. J. PRENTISS, BILL HARRIS,  
JEFF JACOBSON, J. KIRK SCHURING.

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:

**Steven T. Carter**, Democrat, from Portsmouth, Scioto County, Ohio, as a Member of the Industrial Technology and Enterprise Advisory Council for a new term beginning December 27, 2004 and ending at the close of business December 31, 2011.

**Ora E. Smith**, Republican, from Mount Vernon, Knox County, Ohio, as a Member of the Industrial Technology and Enterprise Advisory Council for a new term beginning December 27, 2004 and ending at the close of business December 31, 2011.

**Pernel Jones, Sr.**, Republican, from Cleveland, Cuyahoga County, Ohio, as a Member of the Board of Embalmers and Funeral Directors for a new term beginning December 17, 2004 and ending at the close of business June 30, 2009.

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, J. KIRK SCHURING, ROBERT F. HAGAN, TERESA FEDOR, MARK MALLORY, 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 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Wachtmann
Wilson	Zurz		Harris-31.

So the Senate advised and consented to said appointments.

### **BILLS FOR THIRD CONSIDERATION**

**Sub. S. B. No. 18**-Senator Wachtmann.

To amend section 4729.01 of the Revised Code regarding the compounding of drugs by pharmacists, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 18**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 1, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Gardner	Goodman
Hagan	Hottinger	Jacobson	Jordan
Mallory	Miller	Mumper	Niehaus
Padgett	Prentiss	Roberts	Schuler
Schuring	Spada	Wachtmann	Wilson
Zurz			Harris-30.

Senator Grendell voted in the negative-1.

So the bill passed.

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

Senator Wachtmann moved to amend the title as follows:

Add the names: "Austria, Spada, Dann."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 38**-Senators Grendell, Jacobson, Dann, Zurz.

To amend sections 109.71, 109.73, 109.79, 4973.17, and 4973.171 of the Revised Code relative to the appointment and commissioning of amusement park police officers and to the training of those officers and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 4, setting forth the emergency features of the bill, stand as a part of the bill?"

Senator Grendell moved to amend as follows:

In line 558, delete "aide" and insert "aid"

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

The motion was agreed to.

The question recurred, "Shall the section, Section 4, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Wachtmann
Wilson	Zurz		Harris-31.

So the section, Section 4, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Wachtmann
Wilson	Zurz		Harris-31.

So the bill having received the required constitutional majority passed as an emergency measure.

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

Senator Grendell moved to amend the title as follows:

Add the names: "Spada, Clancy, Cates."

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 bills were introduced and considered the first time:

**S. B. No. 72**-Senators Spada, Cates, Grendell, Armbruster, Hagan, Brady, Fedor, Dann, Zurz, Miller.

To amend sections 119.01, 1733.01, 1733.04, 1733.05, 1733.16, 1733.22, 1733.24, 1733.25, 1733.29 to 1733.33, 1733.37, 1733.38, 1733.412, 1733.44, 2101.161, 2105.31, 2109.13, 2109.372, 2109.41, 4705.09, and 4973.17 and to repeal section 1733.251 of the Revised Code to make changes in the Credit Union Law relating to fields of membership, expansion of authorities, meetings of directors, compensation of officers, fees and interest chargeable on loans, record keeping, eligible investments, liquidity fund requirements, public records, amendments to articles, and use of name; to authorize accounts to be held by credit unions under laws relating to probate and intestate succession; to authorize a credit union insured by a credit union guaranty corporation to maintain interest-bearing trust accounts on behalf of attorneys; and to authorize credit union designees acting for or on the premises of a credit union to be appointed as police officers.



**S. B. No. 73**-Senators Hagan, Fedor.

To amend sections 923.45 and 3314.03 and to enact sections 3313.816, 3715.41, and 3715.42 of the Revised Code to establish requirements governing the use of antibiotics in livestock and livestock products and to ban the purchase for school meals of poultry products that have been treated with an antibiotic belonging to the class of fluoroquinolone antibiotics.

**S. B. No. 74**-Senator Hagan.

To amend sections 2921.31, 2925.02, 2925.03, 2925.04, 2925.11, 2925.14, and 4731.22 and to enact sections 2925.60 and 3701.148 of the Revised Code to regulate the medical use of marihuana.

**S. B. No. 75**-Senators Dann, Brady, Fedor, Fingerhut, Hagan, Mallory, Miller, Prentiss, Roberts, Wilson, Zurz.

To amend sections 4141.01 and 4141.33 of the Revised Code to change the requirements to qualify for unemployment compensation from earning a percentage of the statewide average weekly wage to working a certain number of hours each qualifying week.

### OFFERING OF RESOLUTIONS

Senator Wachtmann offered the following concurrent resolution:

**S. C. R. No. 3**-Senator Wachtmann.

To designate the week of April 3rd-9th, 2005 as Public Health Week in Ohio.

WHEREAS, Designating a week as "Public Health Week in Ohio" provides a valuable opportunity to increase public awareness of the vital health issues that concern us all, to educate citizens about the critical role of state and local health departments in providing essential public health services, and to encourage young people to enter the field of public health; and

WHEREAS, Public health issues encompass a broad spectrum of infectious and chronic diseases as well as numerous environmental hazards that affect the citizens of Ohio. Many of these issues are complex and diverse and demand immediate attention, while others will require ongoing preventive, therapeutic, and rehabilitative intervention; and

WHEREAS, Ohio's state and local public health systems respond to disasters and assist communities in recovery, prevent epidemics and the spread of disease through programs such as mass flu shot vaccination clinics, protect

against environmental hazards to prevent illness and injury, educate citizens to engage in good public health practices, and assure the quality and accessibility of public health services; and

WHEREAS, In the midst of new epidemics, ever-changing environmental challenges, and threats to homeland security, it is imperative that we focus on ways to advance and protect public health and ensure that necessary public health services are available and functioning effectively; now therefore be it

RESOLVED, That we, the members of the 126th General Assembly of Ohio, in adopting this resolution, designate the week of April 3rd-9th, 2005, as "Public Health Week in Ohio" and encourage all Ohioans to support the efforts of local health districts and the Ohio Department of Health in educating citizens as to the goals set forth in observances that week; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the news media of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 3**, be adopted?"

So the concurrent resolution was adopted.

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

Senator Wachtmann moved to amend the title as follows:

Add the names: "Austria, Amstutz, Gardner, Goodman, Mumper, Grendell, Niehaus, Clancy, Miller, Zurz, Brady, Spada, Prentiss, Mallory, Hagan, Dann, Armbruster, Carey, Cates, Coughlin, Fedor, Harris, Hottinger, Jordan, Jacobson, Padgett, Roberts, Schuler, Schuring, Wilson."

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

The motion was agreed to and the title so amended.

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

**S. R. No. 25**-Senators Gardner, Harris, Prentiss, Jacobson, Spada, Mallory, Fedor, Austria, Hottinger, Hagan, Carey, Coughlin, Zurz, Mumper, Wachtmann, Armbruster, Brady, Wilson, Jordan, Roberts, Clancy, Amstutz, Niehaus, Schuler, Padgett, Dann, Miller, Goodman, Cates, Schuring, Fingerhut, Grendell.

Honoring Richard E. Maxwell on his retirement from the Buckeye Association of School Administrators.

**S. R. No. 26**-Senator Wachtmann.

Honoring Evan Gaynor as the 2004 Division II State Champion in boys cross country.

**S. R. No. 27**-Senator Miller.

Recognizing National Freedom Day in Ohio, February 1, 2005.

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

So the resolutions were adopted.

On the motion of Senator Jacobson, the Senate adjourned until Wednesday, February 23, 2005 at 1:30 p.m.

Attest:

MATTHEW T. SCHULER,  
Clerk.