

OHIO

SENATE

JOURNAL

TUESDAY, MARCH 8, 2005

TWENTY-SIXTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, March 8, 2005, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Jeff Cox, East Sunbury Baptist Church, Beallsville, 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. 12-Representatives Carano, S. Patton, J. Stewart, Seitz, Perry, Blasdel, Skindell, McGregor, Trakas, Chandler, Barrett, Cassell, Distel, Domenick, Harwood, Healy, Key, Kilbane, Koziura, Otterman, D. Stewart, Sykes, Ujvagi, Yuko.

To amend section 4301.62 and to enact section 4303.232 of the Revised Code to create the T-1 permit to authorize certain colleges and universities and professional athletic teams to allow the consumption of beer and intoxicating liquor brought into restricted areas on the property they own or lease.

To the Committee on Agriculture.

H. B. No. 13-Representatives Wagner, Latta, Seitz, Aslanides, Barrett, Carano, Chandler, Collier, Combs, Daniels, DeBose, Domenick, Garrison, Kearns, McGregor, Otterman, Seaver, Walcher, Willamowski, Wolpert.

To amend section 5739.026 of the Revised Code to permit the levy by a board of county commissioners of a sales and use tax for the purpose of providing emergency medical services.

To the Committee on Ways and Means and Economic Development.

Am. Sub. H. B. No. 68-Representatives T. Patton, Calvert, Flowers, Martin, S. Patton, Buehrer, Cassell, Collier, Daniels, DeBose, Domenick, C. Evans, Garrison, Gibbs, Hagan, Hartnett, Hughes, Kearns, Key, Latta, Law, Mason, Redfern, Reidelbach, Schlichter, Setzer, S. Smith, Williams, Yuko.

To amend sections 109.572, 122.14, 307.12, 315.08, 315.14, 315.18, 4501.04, 4501.06, 4501.21, 4501.26, 4503.02, 4503.103, 4503.181, 4503.19, 4503.21, 4503.23, 4503.26, 4503.40, 4503.42, 4505.021, 4505.031, 4505.032, 4505.06, 4505.08, 4506.08, 4506.14, 4508.06, 4509.27, 4513.34, 4519.58, 4549.10, 4749.03, 4749.06, 4749.10, 5501.11, 5513.04, 5525.01, 5525.10, 5525.15, 5531.09, 5531.10, 5537.17, 5543.02, 5735.05, 5735.23, 5735.25, 5735.27, 5735.28, and 5735.29; to enact sections 4503.192, 4503.85, 4508.10, and 5537.161; and to repeal sections 4501.12 and 4501.35 of the Revised Code to make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2005, and ending June 30, 2007, and to provide authorization and conditions for the operation of those programs.

To the Committee on Highways and Transportation.

S. B. No. 85-Senators Dann, Fingerhut, Miller, Hagan, Brady, Roberts, Wilson.

To repeal section 2329.662 of the Revised Code to permit debtors domiciled in Ohio to exempt the same property from a bankruptcy judgment that is exempted under the federal Bankruptcy Law.

To the Committee on Judiciary - Civil Justice.

S. B. No. 86-Senators Gardner, Mallory, Clancy, Spada, Goodman, Schuler, Mumper, Hagan, Miller.

To amend sections 124.56, 124.57, and 124.60 of the Revised Code to authorize classified employees to engage in political activities during nonworking hours, to broaden the prohibition against coercion or harassment of classified employees for political purposes, and to authorize the State Personnel Board of Review and local civil service commissions to remedy such coercion or harassment.

To the Committee on State and Local Government and Veterans' Affairs.

S. B. No. 87-Senator Wachtmann.

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

To the Committee on Health, Human Services and Aging.

S. B. No. 88-Senators Coughlin, Goodman.

To amend section 2305.113 and to enact sections 2339.01 to 2339.17 of the Revised Code to establish a pilot program mandating arbitration for claims of medical negligence prior to the filing of a complaint and to terminate the provisions of this act ten years after the effective date of this act by repealing sections 2339.01, 2339.02, 2339.03, 2339.04, 2339.05, 2339.06, 2339.07, 2339.08, 2339.09, 2339.10, 2339.11, 2339.12, 2339.13, 2339.14, 2339.15, 2339.16, and 2339.17 of the Revised Code on that date.

To the Committee on Insurance, Commerce and Labor.

S. B. No. 89-Senator Niehaus.

To amend section 1347.01 and to enact sections 1347.12 and 1349.19 of the Revised Code to require a state agency, person, or business to contact individuals if unencrypted personal information about those individuals that is maintained on the computers of the agency, person, or business is obtained by unauthorized persons.

To the Committee on Judiciary - Criminal Justice.

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

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 Hottinger submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **H. B. No. 65**-Representative Schaffer, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Hottinger, Cates, Clancy, Spada, Armbruster.

YES - 10: JAY HOTTINGER, STEPHEN C. AUSTRIA, GARY W. CATES, PATRICIA M. CLANCY, LYNN R. WACHTMANN, ERIC D. FINGERHUT, RAY MILLER, ROBERT F. SPADA, JEFFRY J. ARMBRUSTER, MARK MALLORY.

NO - 0.

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

The report of the committee was accepted.

Senator Hottinger submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **H. B. No. 67**-Representative Schaffer, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

In line 725, after the period insert "All money the administrator receives for payment of a default penalty assessed or for repayment of any loan made pursuant to this section shall be credited to the safty and hygiene fund created under section 4121.37 of the Revised Code."

In line 711, delete "by employees"

Co-Sponsors: Hottinger, Cates, Clancy, Spada, Armbruster.

YES - 10: JAY HOTTINGER, STEPHEN C. AUSTRIA, LYNN R. WACHTMANN, GARY W. CATES, PATRICIA M. CLANCY, ROBERT F. SPADA, ERIC D. FINGERHUT, RAY MILLER, JEFFRY J. ARMBRUSTER, MARK MALLORY.

NO - 0.

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

The report of the committee was accepted.

Senator Schuring submitted the following report:

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

Timothy B. Angel, Republican, from Portsmouth, Scioto County, Ohio, as a Member of the Radiation Advisory Council for a term beginning January 14, 2005 and ending at the close of business September 8, 2009, replacing Frances Veverka, whose term expired.

Pakkiri Rajagopal, Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Community Service Council for a term beginning January 14, 2005 and ending at the close of business April 21, 2006, replacing Carl Lavin, who resigned.

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

YES - 11: BILL HARRIS, JEFF JACOBSON, RANDY GARDNER, ROBERT F. SPADA, STEPHEN C. AUSTRIA, JAY HOTTINGER, 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 32, 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 | Mallory | Miller |
| Mumper | Niehaus | Padgett | Prentiss |
| Roberts | Schuler | Schuring | Spada |
| Wachtmann | Wilson | Zurz | Harris-32. |

So the Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

S. B. No. 6-Senator Padgett.

To enact sections 3301.41 and 3301.42 of the Revised Code to establish the Partnership for Continued Learning to make recommendations for facilitating collaboration among providers of preschool through postsecondary education and for maintaining a high-quality workforce in Ohio, was considered the third time.

The question being, "Shall the bill, **S. B. No. 6**, pass?"

Senator Padgett moved to amend as follows:

In line 24, delete "One" and insert "Two representatives of elementary and secondary schools, one of whom shall be a"; after "education" insert "and one of whom shall represent chartered nonpublic schools"

In line 26, delete "One" and insert "Two representatives of institutions of higher education, one of whom shall be a"; after "regents" insert "and one of whom shall represent nonprofit institutions of higher education that hold certificates of authorization issued by the board of regents under section 1713.02 of the Revised Code"

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

The motion was agreed to.

The question recurred, "Shall the bill, **S. B. No. 6**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 1, 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 | Mallory | Miller |
| Mumper | Niehaus | Padgett | Roberts |
| Schuler | Schuring | Spada | Wachtmann |
| Wilson | Zurz | | Harris-31. |

Senator Prentiss voted in the negative-1.

So the bill passed.

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

Senator Padgett moved to amend the title as follows:

Add the names: "Niehaus, Mumper, Grendell, Schuring, Armbruster, Miller, Cates, Harris, Fedor, Zurz, Wilson, Clancy, Dann, Spada."

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

The motion was agreed to and the title so amended.

H. B. No. 65-Representatives Schaffer, Beatty, Calvert, Cassell, Chandler, Combs, Daniels, DeBose, Distel, Domenick, C. Evans, D. Evans, Fende, Flowers, Gibbs, Kearns, Mason, McGregor, Miller, Otterman, T. Patton, Seitz, Setzer, Uecker, Willamowski, Williams Senators Hottinger, Cates, Clancy, Spada, Armbruster.

To amend section 125.021 of the Revised Code to allow the Industrial Commission to make contracts concerning telecommunications and computer services and to make appropriations for the Industrial Commission for the biennium beginning July 1, 2005, and ending June 30, 2007, and to provide authorization and conditions for the operation of Commission programs, was

considered the third time.

The question being, "Shall the bill, **H. B. No. 65**, 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 | Fedor | Fingerhut | Gardner |
| Goodman | Grendell | Hagan | Hottinger |
| Jacobson | Jordan | Mallory | Miller |
| Mumper | Niehaus | Padgett | Prentiss |
| Roberts | Schuler | Schuring | Spada |
| Wachtmann | Wilson | Zurz | Harris-32. |

So the bill passed.

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

Senator Hottinger moved to amend the title as follows:

Add the name: "Austria."

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

The motion was agreed to and the title so amended.

Am. H. B. No. 67-Representatives Schaffer, Beatty, Flowers, Hartnett, Miller, Strahorn, Barrett, Buehrer, Calvert, Cassell, Chandler, Daniels, Distel, Domenick, C. Evans, D. Evans, Fende, Gibbs, Hughes, Kearns, Mason, McGregor, Otterman, Seitz, Setzer, Webster, Williams Senators Hottinger, Cates, Clancy, Spada, Armbruster.

To amend sections 121.08, 4121.12, 4121.121, 4121.37, 4123.511, 4167.02, 4167.06, 4167.07, 4167.08, 4167.09, 4167.10, 4167.11, 4167.12, 4167.14, 4167.15, 4167.16, 4167.17, 4167.19, and 4167.27, to enact section 4121.48, and to repeal section 4167.18 of the Revised Code to transfer the Public Employees Risk Reduction Program and the Occupational Safety and Health Act On-site Consultation Program from the Department of Commerce to the Bureau of Workers' Compensation, to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2005, and ending June 30, 2007, and to provide authorization and conditions for the operation of the Bureau's programs, was considered the third time.

The question being, "Shall the bill, **Am. H. B. No. 67**, 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 | Fedor | Fingerhut | Gardner |
| Goodman | Grendell | Hagan | Hottinger |
| Jacobson | Jordan | Mallory | Miller |
| Mumper | Niehaus | Padgett | Prentiss |
| Roberts | Schuler | Schuring | Spada |
| Wachtmann | Wilson | Zurz | Harris-32. |

So the bill passed.

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

Senator Hottinger moved to amend the title as follows:

Add the name: "Austria."

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. 90-Senators Miller, Roberts, Fedor, Dann, Fingerhut, Hagan.

To amend sections 101.39, 103.144, 109.85, 117.10, 119.01, 121.02, 121.03, 127.16, 145.27, 169.02, 173.20, 173.21, 173.40, 173.41, 317.08, 329.04, 329.051, 329.06, 329.14, 340.03, 340.16, 742.41, 1337.11, 1339.51, 1347.08, 1751.01, 1751.11, 1751.12, 1751.13, 1751.17, 1751.18, 1751.20, 1751.31, 1751.60, 1751.89, 2113.06, 2133.01, 2151.3514, 2305.234, 2317.02, 2744.05, 2903.33, 2913.40, 2921.01, 2933.71, 2945.401, 3107.083, 3111.04, 3111.72, 3119.54, 3307.20, 3309.22, 3313.714, 3313.715, 3317.029, 3317.10, 3323.021, 3599.45, 3701.023, 3701.024, 3701.027, 3701.132, 3701.243, 3701.881, 3702.51, 3702.522, 3702.74, 3712.07, 3712.09, 3721.01, 3721.011, 3721.022, 3721.024, 3721.026, 3721.071, 3721.08, 3721.10, 3721.12, 3721.121, 3721.13, 3721.15, 3721.16, 3721.17, 3721.19, 3721.50, 3721.51, 3721.511, 3721.52, 3721.53, 3721.54, 3721.55, 3721.56, 3721.57, 3721.58, 3722.16, 3727.13, 3793.07, 3795.01, 3795.03, 3916.06, 3923.49, 3923.50, 3924.41, 3924.42, 4123.27, 4723.17, 4723.28, 4730.25, 4731.22, 4731.65, 4731.71, 4753.071, 4761.01, 4761.09, 5101.11, 5101.16, 5101.162, 5101.18, 5101.181, 5101.182, 5101.184, 5101.26, 5101.27, 5101.35, 5101.36, 5101.47, 5101.50, 5101.501, 5101.502, 5101.503, 5101.51, 5101.511, 5101.512, 5101.513, 5101.514, 5101.515, 5101.516, 5101.517, 5101.518, 5101.519, 5101.571, 5101.572, 5101.58, 5101.59, 5101.75, 5101.751, 5101.752, 5101.753, 5101.754, 5101.97, 5103.02, 5107.10, 5107.14, 5107.16, 5107.20, 5107.26, 5110.01, 5110.352, 5111.01, 5111.011, 5111.013, 5111.014, 5111.015, 5111.016, 5111.018, 5111.019, 5111.0110, 5111.0111, 5111.0112, 5111.0113, 5111.02, 5111.021, 5111.022, 5111.023, 5111.024, 5111.025,

5111.03, 5111.04, 5111.041, 5111.042, 5111.05, 5111.06, 5111.07, 5111.071, 5111.08, 5111.081, 5111.082, 5111.09, 5111.091, 5111.11, 5111.111, 5111.112, 5111.113, 5111.12, 5111.121, 5111.13, 5111.14, 5111.15, 5111.151, 5111.16, 5111.17, 5111.171, 5111.172, 5111.173, 5111.174, 5111.175, 5111.18, 5111.181, 5111.19, 5111.20, 5111.201, 5111.202, 5111.203, 5111.204, 5111.21, 5111.211, 5111.22, 5111.221, 5111.23, 5111.231, 5111.235, 5111.24, 5111.241, 5111.25, 5111.251, 5111.255, 5111.257, 5111.26, 5111.261, 5111.263, 5111.264, 5111.27, 5111.28, 5111.29, 5111.291, 5111.30, 5111.31, 5111.32, 5111.33, 5111.34, 5111.35, 5111.36, 5111.37, 5111.38, 5111.39, 5111.41, 5111.411, 5111.42, 5111.43, 5111.44, 5111.45, 5111.46, 5111.47, 5111.48, 5111.49, 5111.50, 5111.51, 5111.52, 5111.53, 5111.54, 5111.55, 5111.56, 5111.57, 5111.58, 5111.59, 5111.60, 5111.61, 5111.62, 5111.63, 5111.81, 5111.85, 5111.87, 5111.871, 5111.872, 5111.873, 5111.88, 5111.90, 5111.91, 5111.911, 5111.912, 5111.913, 5111.92, 5111.93, 5111.94, 5111.95, 5111.96, 5111.97, 5111.99, 5112.01, 5112.03, 5112.04, 5112.05, 5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.17, 5112.18, 5112.19, 5112.21, 5112.30, 5112.31, 5112.32, 5112.33, 5112.34, 5112.35, 5112.37, 5112.38, 5112.39, 5112.99, 5115.11, 5115.20, 5117.10, 5119.04, 5119.061, 5119.351, 5119.61, 5120.65, 5121.04, 5123.01, 5123.021, 5123.045, 5123.047, 5123.048, 5123.181, 5123.199, 5123.211, 5126.01, 5126.042, 5126.055, 5126.057, 5126.12, 5505.04, 5725.18, 5729.03, 5731.39, 5747.122, and 5907.04, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 3795.01 (3794.01), 3795.02 (3794.02), 3795.03 (3794.03), 5101.47 (3798.06), 5101.50 (3798.02), 5101.501 (3798.03), 5101.502 (3798.04), 5101.503 (3798.05), 5101.51 (3798.10), 5101.511 (3798.11), 5101.512 (3798.12), 5101.513 (3798.13), 5101.514 (3798.14), 5101.515 (3798.15), 5101.516 (3798.16), 5101.517 (3798.17), 5101.518 (3798.18), 5101.519 (3798.19), 5101.571 (5115.16), 5101.572 (3795.46), 5101.58 (5115.17), 5101.59 (5115.18), 5101.75 (3795.70), 5101.751 (3795.73), 5101.752 (3795.75), 5101.753 (3795.72), 5101.754 (3795.74), 5111.01 (3795.30), 5111.011 (3795.41), 5111.013 (3795.67), 5111.014 (3795.32), 5111.015 (3795.39), 5111.016 (3795.68), 5111.018 (3796.70), 5111.019 (3795.31), 5111.0110 (3796.711), 5111.0111 (3795.331), 5111.0112 (3795.621), 5111.0113 (3795.332), 5111.02 (3796.01), 5111.021 (3796.02), 5111.022 (3796.72), 5111.023 (3795.34), 5111.024 (3796.71), 5111.025 (3796.721), 5111.03 (3796.03), 5111.04 (3796.73), 5111.041 (3795.12), 5111.042 (3795.13), 5111.05 (3796.04), 5111.06 (3796.05), 5111.07 (3796.10), 5111.071 (3796.11), 5111.08 (3796.12), 5111.081 (3796.111), 5111.082 (3796.112), 5111.09 (3795.15), 5111.091 (3795.141), 5111.11 (3795.51), 5111.111 (3795.52), 5111.112 (3795.53), 5111.113 (3795.40), 5111.12 (3795.55), 5111.121 (3795.49), 5111.13 (3795.62), 5111.14 (3795.63), 5111.15 (3795.54), 5111.151 (3795.541), 5111.16 (3795.64), 5111.17 (3795.641), 5111.171 (3795.643), 5111.172 (3795.642), 5111.173 (3795.644), 5111.174 (3795.645), 5111.175 (3795.646), 5111.18 (3795.37), 5111.181 (3795.38), 5111.19 (3796.15), 5111.20 (3796.20), 5111.201 (3796.201), 5111.202

(3795.76), 5111.203 (3795.77), 5111.204 (3795.71), 5111.21 (3796.21), 5111.211 (3796.211), 5111.22 (3796.22), 5111.221 (3796.221), 5111.23 (3796.23), 5111.231 (3796.231), 5111.235 (3796.232), 5111.24 (3796.24), 5111.241 (3796.241), 5111.25 (3796.25), 5111.251 (3796.251), 5111.255 (3796.253), 5111.257 (3796.254), 5111.26 (3796.26), 5111.261 (3796.261), 5111.262 (3796.262), 5111.263 (3796.263), 5111.264 (3796.264), 5111.27 (3796.27), 5111.28 (3796.28), 5111.29 (3796.29), 5111.291 (3796.291), 5111.30 (3796.30), 5111.31 (3796.31), 5111.32 (3796.32), 5111.33 (3796.33), 5111.34 (3796.34), 5111.35 (3796.35), 5111.36 (3796.36), 5111.37 (3796.37), 5111.38 (3796.38), 5111.39 (3796.39), 5111.40 (3796.40), 5111.41 (3796.41), 5111.411 (3796.411), 5111.42 (3796.42), 5111.43 (3796.43), 5111.44 (3796.44), 5111.45 (3796.45), 5111.46 (3796.46), 5111.47 (3796.47), 5111.48 (3796.48), 5111.49 (3796.49), 5111.50 (3796.50), 5111.51 (3796.51), 5111.52 (3796.52), 5111.53 (3796.53), 5111.54 (3796.54), 5111.55 (3796.55), 5111.56 (3796.56), 5111.57 (3796.57), 5111.58 (3796.58), 5111.59 (3796.59), 5111.60 (3796.60), 5111.61 (3796.61), 5111.62 (3796.62), 5111.63 (3795.78), 5111.81 (3795.021), 5111.85 (3796.80), 5111.87 (3796.85), 5111.871 (3796.851), 5111.872 (3796.852), 5111.873 (3796.853), 5111.88 (3796.82), 5111.90 (3795.10), 5111.91 (3795.101), 5111.911 (3795.102), 5111.912 (3795.103), 5111.913 (3795.104), 5111.92 (3795.105), 5111.93 (3795.106), 5111.94 (3795.107), 5111.95 (3796.83), 5111.96 (3796.84), 5111.97 (3796.81), 5111.99 (3796.99), 5112.01 (3797.01), 5112.03 (3797.03), 5112.04 (3797.04), 5112.05 (3797.05), 5112.06 (3797.06), 5112.07 (3797.07), 5112.08 (3797.08), 5112.09 (3797.09), 5112.10 (3797.10), 5112.11 (3797.11), 5112.17 (3797.17), 5112.18 (3797.18), 5112.19 (3797.19), 5112.21 (3797.21), 5112.30 (3797.30), 5112.31 (3797.31), 5112.32 (3797.32), 5112.33 (3797.33), 5112.34 (3797.34), 5112.35 (3797.35), 5112.37 (3797.37), 5112.38 (3797.38), 5112.39 (3797.39), and 5112.99 (3797.99), to enact new sections 3795.01, 3795.02, and 3795.03 and sections 117.53, 117.54, 117.55, 117.56, 3795.05, 3795.06, 3795.08, 3795.09, 3795.091, 3795.11, 3795.14, 3795.16, 3795.18, 3795.19, 3795.20, 3795.21, 3795.22, 3795.23, 3795.24, 3795.241, 3795.25, 3795.26, 3795.27, 3795.271, 3795.33, 3795.35, 3795.36, 3795.45, 3795.47, 3795.48, 3795.50, 3795.56, 3795.57, 3795.58, 3795.59, 3795.60, 3795.99, and 3798.01, to repeal section 5111.012 of the Revised Code to create the Department of Health Care Administration and to transfer administration of the Medicaid Program, Hospital Care Assurance Program, and Children's Health Insurance Program Parts I and II from the Department of Job and Family Services to the Department of Health Care Administration, and to make an appropriation.

S. B. No. 91-Senators Miller, Brady, Fedor, Dann, Fingerhut, Hagan.

To amend sections 101.39, 103.144, 109.85, 117.10, 119.01, 121.02, 121.03, 127.16, 145.27, 169.02, 173.20, 173.21, 173.40, 173.41, 317.08, 329.04, 329.051, 329.06, 329.14, 340.03, 340.16, 742.41, 1337.11, 1339.51, 1347.08, 1751.01, 1751.11, 1751.12, 1751.13, 1751.17, 1751.18, 1751.20, 1751.31, 1751.60, 1751.89, 2113.06, 2133.01, 2151.3514, 2305.234, 2317.02,

2744.05, 2903.33, 2913.40, 2921.01, 2933.71, 2945.401, 3107.083, 3111.04, 3111.72, 3119.54, 3307.20, 3309.22, 3313.714, 3313.715, 3317.029, 3317.10, 3323.021, 3599.45, 3701.023, 3701.024, 3701.027, 3701.132, 3701.243, 3701.881, 3702.51, 3702.522, 3702.74, 3712.07, 3712.09, 3721.01, 3721.011, 3721.022, 3721.024, 3721.026, 3721.071, 3721.08, 3721.10, 3721.12, 3721.121, 3721.13, 3721.15, 3721.16, 3721.17, 3721.19, 3721.50, 3721.51, 3721.511, 3721.52, 3721.53, 3721.54, 3721.55, 3721.56, 3721.57, 3721.58, 3722.16, 3727.13, 3793.07, 3795.01, 3795.03, 3916.06, 3923.49, 3923.50, 3924.41, 3924.42, 4123.27, 4723.17, 4723.28, 4730.25, 4731.22, 4731.65, 4731.71, 4753.071, 4761.01, 4761.09, 5101.11, 5101.16, 5101.162, 5101.18, 5101.181, 5101.182, 5101.184, 5101.26, 5101.27, 5101.35, 5101.36, 5101.47, 5101.50, 5101.501, 5101.502, 5101.503, 5101.51, 5101.511, 5101.512, 5101.513, 5101.514, 5101.515, 5101.516, 5101.517, 5101.518, 5101.519, 5101.571, 5101.572, 5101.58, 5101.59, 5101.75, 5101.751, 5101.752, 5101.753, 5101.754, 5101.97, 5103.02, 5107.10, 5107.14, 5107.16, 5107.20, 5107.26, 5110.01, 5110.352, 5111.01, 5111.011, 5111.013, 5111.014, 5111.015, 5111.016, 5111.018, 5111.019, 5111.0110, 5111.0111, 5111.0112, 5111.0113, 5111.02, 5111.021, 5111.022, 5111.023, 5111.024, 5111.025, 5111.03, 5111.04, 5111.041, 5111.042, 5111.05, 5111.06, 5111.07, 5111.071, 5111.08, 5111.081, 5111.082, 5111.09, 5111.091, 5111.11, 5111.111, 5111.112, 5111.113, 5111.12, 5111.121, 5111.13, 5111.14, 5111.15, 5111.151, 5111.16, 5111.17, 5111.171, 5111.172, 5111.173, 5111.174, 5111.175, 5111.18, 5111.181, 5111.19, 5111.20, 5111.201, 5111.202, 5111.203, 5111.204, 5111.21, 5111.211, 5111.22, 5111.221, 5111.23, 5111.231, 5111.235, 5111.24, 5111.241, 5111.25, 5111.251, 5111.255, 5111.257, 5111.26, 5111.261, 5111.263, 5111.264, 5111.27, 5111.28, 5111.29, 5111.291, 5111.30, 5111.31, 5111.32, 5111.33, 5111.34, 5111.35, 5111.36, 5111.37, 5111.38, 5111.39, 5111.41, 5111.411, 5111.42, 5111.43, 5111.44, 5111.45, 5111.46, 5111.47, 5111.48, 5111.49, 5111.50, 5111.51, 5111.52, 5111.53, 5111.54, 5111.55, 5111.56, 5111.57, 5111.58, 5111.59, 5111.60, 5111.61, 5111.62, 5111.63, 5111.81, 5111.85, 5111.87, 5111.871, 5111.872, 5111.873, 5111.88, 5111.90, 5111.91, 5111.911, 5111.912, 5111.913, 5111.92, 5111.93, 5111.94, 5111.95, 5111.96, 5111.97, 5111.99, 5112.01, 5112.03, 5112.04, 5112.05, 5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.17, 5112.18, 5112.19, 5112.21, 5112.30, 5112.31, 5112.32, 5112.33, 5112.34, 5112.35, 5112.37, 5112.38, 5112.39, 5112.99, 5115.11, 5115.20, 5117.10, 5119.04, 5119.061, 5119.16, 5119.351, 5119.61, 5120.65, 5121.04, 5123.01, 5123.021, 5123.045, 5123.047, 5123.048, 5123.181, 5123.199, 5123.211, 5126.01, 5126.042, 5126.055, 5126.057, 5126.12, 5505.04, 5725.18, 5729.03, 5731.39, 5747.122, and 5907.04, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 3795.01 (3794.01), 3795.02 (3794.02), 3795.03 (3794.03), 5101.47 (3798.06), 5101.50 (3798.02), 5101.501 (3798.03), 5101.502 (3798.04), 5101.503 (3798.05), 5101.51 (3798.10), 5101.511 (3798.11), 5101.512 (3798.12), 5101.513 (3798.13), 5101.514 (3798.14), 5101.515 (3798.15), 5101.516 (3798.16), 5101.517 (3798.17), 5101.518

(3798.18), 5101.519 (3798.19), 5101.571 (5115.16), 5101.572 (3795.46), 5101.58 (5115.17), 5101.59 (5115.18), 5101.75 (3795.70), 5101.751 (3795.73), 5101.752 (3795.75), 5101.753 (3795.72), 5101.754 (3795.74), 5111.01 (3795.30), 5111.011 (3795.41), 5111.013 (3795.67), 5111.014 (3795.32), 5111.015 (3795.39), 5111.016 (3795.68), 5111.018 (3796.70), 5111.019 (3795.31), 5111.0110 (3796.711), 5111.0111 (3795.331), 5111.0112 (3795.621), 5111.0113 (3795.332), 5111.02 (3796.01), 5111.021 (3796.02), 5111.022 (3796.72), 5111.023 (3795.34), 5111.024 (3796.71), 5111.025 (3796.721), 5111.03 (3796.03), 5111.04 (3796.73), 5111.041 (3795.12), 5111.042 (3795.13), 5111.05 (3796.04), 5111.06 (3796.05), 5111.07 (3796.10), 5111.071 (3796.11), 5111.08 (3796.12), 5111.081 (3796.111), 5111.082 (3796.112), 5111.09 (3795.15), 5111.091 (3795.141), 5111.11 (3795.51), 5111.111 (3795.52), 5111.112 (3795.53), 5111.113 (3795.40), 5111.12 (3795.55), 5111.121 (3795.49), 5111.13 (3795.62), 5111.14 (3795.63), 5111.15 (3795.54), 5111.151 (3795.541), 5111.16 (3795.64), 5111.17 (3795.641), 5111.171 (3795.643), 5111.172 (3795.642), 5111.173 (3795.644), 5111.174 (3795.645), 5111.175 (3795.646), 5111.18 (3795.37), 5111.181 (3795.38), 5111.19 (3796.15), 5111.20 (3796.20), 5111.201 (3796.201), 5111.202 (3795.76), 5111.203 (3795.77), 5111.204 (3795.71), 5111.21 (3796.21), 5111.211 (3796.211), 5111.22 (3796.22), 5111.221 (3796.221), 5111.23 (3796.23), 5111.231 (3796.231), 5111.235 (3796.232), 5111.24 (3796.24), 5111.241 (3796.241), 5111.25 (3796.25), 5111.251 (3796.251), 5111.255 (3796.253), 5111.257 (3796.254), 5111.26 (3796.26), 5111.261 (3796.261), 5111.262 (3796.262), 5111.263 (3796.263), 5111.264 (3796.264), 5111.27 (3796.27), 5111.28 (3796.28), 5111.29 (3796.29), 5111.291 (3796.291), 5111.30 (3796.30), 5111.31 (3796.31), 5111.32 (3796.32), 5111.33 (3796.33), 5111.34 (3796.34), 5111.35 (3796.35), 5111.36 (3796.36), 5111.37 (3796.37), 5111.38 (3796.38), 5111.39 (3796.39), 5111.40 (3796.40), 5111.41 (3796.41), 5111.411 (3796.411), 5111.42 (3796.42), 5111.43 (3796.43), 5111.44 (3796.44), 5111.45 (3796.45), 5111.46 (3796.46), 5111.47 (3796.47), 5111.48 (3796.48), 5111.49 (3796.49), 5111.50 (3796.50), 5111.51 (3796.51), 5111.52 (3796.52), 5111.53 (3796.53), 5111.54 (3796.54), 5111.55 (3796.55), 5111.56 (3796.56), 5111.57 (3796.57), 5111.58 (3796.58), 5111.59 (3796.59), 5111.60 (3796.60), 5111.61 (3796.61), 5111.62 (3796.62), 5111.63 (3795.78), 5111.81 (3795.021), 5111.85 (3796.80), 5111.87 (3796.85), 5111.871 (3796.851), 5111.872 (3796.852), 5111.873 (3796.853), 5111.88 (3796.82), 5111.90 (3795.10), 5111.91 (3795.101), 5111.911 (3795.102), 5111.912 (3795.103), 5111.913 (3795.104), 5111.92 (3795.105), 5111.93 (3795.106), 5111.94 (3795.107), 5111.95 (3796.83), 5111.96 (3796.84), 5111.97 (3796.81), 5111.99 (3796.99), 5112.01 (3797.01), 5112.03 (3797.03), 5112.04 (3797.04), 5112.05 (3797.05), 5112.06 (3797.06), 5112.07 (3797.07), 5112.08 (3797.08), 5112.09 (3797.09), 5112.10 (3797.10), 5112.11 (3797.11), 5112.17 (3797.17), 5112.18 (3797.18), 5112.19 (3797.19), 5112.21 (3797.21), 5112.30 (3797.30), 5112.31 (3797.31), 5112.32 (3797.32), 5112.33 (3797.33), 5112.34 (3797.34), 5112.35 (3797.35), 5112.37 (3797.37), 5112.38 (3797.38), 5112.39 (3797.39), and 5112.99 (3797.99), to enact new sections

3795.01, 3795.02, and 3795.03 and sections 117.53, 3795.04, 117.54, 117.55, 117.56, 3795.04, 3795.05, 3795.06, 3795.08, 3795.09, 3795.091, 3795.11, 3795.14, 3795.16, 3795.18, 3795.19, 3795.20, 3795.21, 3795.22, 3795.23, 3795.24, 3795.241, 3795.25, 3795.26, 3795.27, 3795.271, 3795.33, 3795.35, 3795.36, 3795.45, 3795.47, 3795.48, 3795.50, 3795.56, 3795.57, 3795.58, 3795.59, 3795.60, 3795.99, and 3798.01, to repeal section 5111.012 of the Revised Code to create the Department of Health Care Administration and to transfer administration of the Medicaid Program, Hospital Care Assurance Program, and Children's Health Insurance Program Parts I and II from the Department of Job and Family Services to the Department of Health Care Administration, and to make an appropriation.

S. B. No. 92-Senators Miller, Brady, Fedor, Dann, Hagan, Zurz.

To enact section 5111.026 of the Revised Code to set the reimbursement rate under Medicaid for hearing aids.

S. B. No. 93-Senators Miller, Roberts, Brady, Fedor, Dann, Hagan, Zurz.

To amend sections 1517.11, 1531.26, 5101.184, 5747.03, and 5747.113 and to enact section 3701.032 of the Revised Code to allow taxpayers to make contributions to the American Diabetes Association through their income tax returns.

S. B. No. 94-Senators Miller, Fedor, Dann, Hagan.

To amend section 5111.02 and to enact sections 1739.23, 1751.69, 3923.235, and 5111.026 of the Revised Code regarding the provision of, and coverage for, telemedicine services.

S. B. No. 95-Senators Miller, Brady, Fedor, Dann, Fingerhut, Hagan, Zurz.

To amend sections 3302.07, 3313.814, and 3314.03 and to enact sections 3313.816 and 3313.817 of the Revised Code to establish nutritional standards for food sold to students in public elementary schools and to prohibit the sale of certain beverages to students in all public schools except under specified conditions.

S. B. No. 96-Senators Miller, Fedor.

To amend sections 5743.02 and 5743.32 of the Revised Code to increase the cigarette tax by 75 cents per pack and to devote part of the increased revenue to the Tobacco Use Prevention and Control Endowment Fund.

S. B. No. 97-Senators Miller, Roberts, Brady, Fedor, Hagan.

To amend sections 2929.12, 2929.22, 2935.36, 2951.041, 3719.121, 3719.70, 4715.30, 4717.05, 4717.14, 4723.28, 4730.12, 4730.25, 4730.31, 4731.22, 4731.223, 4731.281, 4734.31, 4760.06, 4760.13, 4760.15, 4761.09, 4762.06, 4762.13, and 4762.15 and to enact sections 2951.042, 2951.043, 2951.044, and 2951.045 of the Revised Code relative to treatment for certain drug offenders and to make an appropriation.

S. B. No. 98-Senators Clancy, Brady.

To amend sections 4759.01, 4759.02, and 4759.10 and to enact sections 4783.01, 4783.02, 4783.03, 4783.04, and 4783.05 of the Revised Code regarding provision of complementary or alternative health care services.

S. B. No. 99-Senator Mumper.

To amend sections 4707.01 and 4707.02 of the Revised Code to exclude persons who sell their own real or personal property by means of the Internet from having to obtain a license under the Auctioneers Law, to require persons to obtain auction firm licenses for taking and advertising personal property on consignment for sale by means of the Internet, and to declare an emergency.

S. B. No. 100-Senators Fingerhut, Dann, Wilson, Zurz, Hagan, Spada, Miller, Brady.

To amend sections 121.22, 166.01, 166.02, 166.08, and 166.11 and to enact sections 166.31 to 166.37 of the Revised Code to establish twelve Regional Development Boards throughout the state and to create the Regional Development Revolving Loan Fund program.

S. B. No. 101-Senators Fedor, Dann, Roberts, Prentiss, Mallory, Hagan, Fingerhut, Wilson, Zurz.

To amend sections 3501.05, 3501.27, 3501.30, 3501.33, 3501.35, 3503.19, 3503.21, 3503.24, 3505.16, 3505.18, 3505.21, 3505.25, 3505.28, 3506.13, 3509.02, 3509.03, 3509.04, 3509.06, 3509.07, 3509.08, 3511.12, 3515.03, 3515.04, 3515.07, 3517.01, 3517.015, 3517.016, 3517.081, 3517.992, 3523.05, 3599.111, and 3599.38, to enact sections 3501.19, 3501.40, 3505.181, 3506.20, 3509.20, 3511.20, 3517.093, 3517.094, and 3599.07, and to repeal sections 3505.19, 3505.20, 3505.22, 3513.19, 3513.20, and 3517.014 of the Revised Code to revise the Election Law.

S. B. No. 102-Senators Roberts, Fedor, Dann, Prentiss, Fingerhut, Mallory, Zurz.

To amend sections 3501.04 and 3501.05 and to enact section 3501.041 of the Revised Code to establish the State Board of Elections to administer elections conducted in this state.

OFFERING OF RESOLUTIONS

Senator Dann offered the following joint resolution:

S. J. R. No. 5-Senators Dann, Fedor, Brady, Fingerhut, Prentiss, Mallory, Roberts, Hagan, Zurz, Miller, Wilson.

Proposing to amend Sections 1, 6, and 13 of Article XI of the Constitution of the State of Ohio to change the composition of the Apportionment Board and to require the Apportionment Board to apportion the state for members of the General Assembly and for representatives to Congress.

The question being, "Shall the joint resolution, **S. J. R. No. 5**, be adopted?"

On motion of Senator Jacobson, **S. J. R. No. 5**, was referred to the Committee on Reference.

Message from the House of Representatives

Mr. President:

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

H. B. No. 48 - Representatives Hughes, Aslanides, Combs, C. Evans, D. Evans, Faber, Flowers, Gibbs, Hoops, Kearns, Latta, McGregor, Oelslager, Schaffer, J. Stewart, Taylor, Trakas, Webster, DeGeeter, Otterman, Perry, Gilb, Seaver, Willamowski, D. Stewart, Barrett, Brown, Buehrer, Calvert, Carano, Cassell, Chandler, Collier, Distel, Driehaus, Garrison, Hagan, Harwood, Martin, T. Patton, Peterson, Setzer, G. Smith, Strahorn, Uecker, Wagner, Wagoner, Walcher, Widener, Williams, Wolpert, Yuko

To amend section 2913.49 and to enact section 109.94 of the Revised Code to increase the penalty for identity fraud against an elderly person or disabled adult, and to create the Identity Fraud Passport.

Attest:

Laura P. Clemens,
Clerk.

Said bill was 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 bill:

Am. H. B. No. 10 - Representative Schneider - et al.

Attest:

Laura P. Clemens,
Clerk.

The President signed said bill.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 4501.025 of Am. H.B. No. 182 of the 124th General Assembly, the President of the Senate reappoints Senator Schuring to serve on the Citizens Advisory Committee within the Bureau of Motor Vehicles (term ending February 2008).

Pursuant to Senate Rules 19 and 20, the President of the Senate makes the following appointment changes to the following Senate Standing Committees:

Removes Senator Schuler as vice chairman of the Standing Committee on Judiciary - Civil Justice.

Appoints Senator Schuler as a member of the Standing Committee on Judiciary - Civil Justice. (1)

Appoints Senator Austria as the vice chairman of the Standing Committee on Judiciary - Civil Justice.

Appoints Senator Spada to the Standing Committee on Insurance, Commerce and Labor. (2)

(1) Senator Schuler will serve as a member of the committee until such time as Senator Stivers returns from active military duty.

(2) Senator Spada will serve as a member of the committee until such time as Senator Stivers returns from active military duty and serves as chairman and Senator Hottinger serves as a regular member.

On the motion of Senator Jacobson, the Senate adjourned until Wednesday, March 9, 2005 at 1:30 p.m.

Attest:

MATTHEW T. SCHULER,
Clerk.