

OHIO

SENATE

JOURNAL

WEDNESDAY, MARCH 9, 2005

TWENTY-SEVENTH DAY
 Senate Chamber, Columbus, Ohio
Wednesday, March 9, 2005, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Ken Kirk, Grove City United Methodist Church, Grove City, 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 and joint resolution, standing in order for second consideration, be referred to committee as recommended:

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.

To the Committee on Judiciary - Criminal Justice.

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

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Parts I and II from the Department of Job and Family Services to the Department of Health Care Administration, and to make an appropriation.

To the Committee on Finance and Financial Institutions.

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.

To the Committee on Finance and Financial Institutions.

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.

To the Committee on Health, Human Services and Aging.

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.

To the Committee on Ways and Means and Economic Development.

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.

To the Committee on Health, Human Services and Aging.

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.

To the Committee on Education.

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.

To the Committee on Finance and Financial Institutions.

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.

To the Committee on Finance and Financial Institutions.

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.

To the Committee on Health, Human Services and Aging.

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.

To the Committee on Agriculture.

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.

To the Committee on Finance and Financial Institutions.

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.

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

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.

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

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.

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

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

NO - 0.

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

The report of the committee was accepted.

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

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Amstutz submitted the following report:

The standing committee on Ways and Means and Economic Development, to which was referred **H. B. No. 13**-Representative Wagner, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

After line 294, insert:

"Section 3. That sections 1753.281 and 3923.651 of the Revised Code, that are scheduled to take effect on March 31, 2005, are hereby repealed.

Section 4. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that sections 1753.281 and 3923.651 of the Revised Code need further consideration by the General Assembly and must be repealed before they take effect. Therefore, this act shall go into immediate effect."

In line 4 of the title, after "services" insert ", to eliminate laws regarding direct payment to providers for 9-1-1 emergency services, to repeal sections 1753.281 and 3923.651 of the Revised Code that are scheduled to take effect March 31, 2005, and to declare an emergency"

YES - 8: RON AMSTUTZ, ROBERT F. SPADA, STEPHEN C. AUSTRIA, DAVID GOODMAN, TOM NIEHAUS, JIM JORDAN, ROBERT L. SCHULER, KIMBERLY A. ZURZ.

NO - 3: MARC DANN, ERIC D. FINGERHUT, TOM ROBERTS.

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

The report of the committee was accepted.

Senator Armbruster submitted the following report:

The standing committee on Highways and Transportation, to which was referred **Am. Sub. H. B. No. 68**-Representative T. Patton, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 9: ROBERT F. HAGAN, MARC DANN, PATRICIA M. CLANCY, LYNN R. WACHTMANN, J. KIRK SCHURING, JOY PADGETT, KEVIN J. COUGHLIN, 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 Jordan submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **S. B. No. 9**-Senator Jacobson, having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Clancy.

YES - 8: JIM JORDAN, PATRICIA M. CLANCY, STEPHEN C. AUSTRIA, DAVID GOODMAN, J. KIRK SCHURING, MARK MALLORY, TIMOTHY J. GRENDALL, MARC DANN.

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 was referred the appointment by the Attorney General of:

Nancy Dix, Republican, Hebron, Licking County, representing residential consumers on the Ohio Consumers' Counsel Governing Board, to fill a vacancy, term beginning September 1, 2004 and ending September 1, 2007.

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

The question being, "Shall the Senate advise and consent to the appointment by the Attorney General?"

YES - 10: BILL HARRIS, JEFF JACOBSON, ROBERT F. SPADA, STEPHEN C. AUSTRIA, J. KIRK SCHURING, ROBERT F. HAGAN, TERESA FEDOR, JAY HOTTINGER, MARK MALLORY, C. J. PRENTISS.

NO - 0.

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 appointment.

BILLS FOR THIRD CONSIDERATION**Sub. S. B. No. 9-Senators Jacobson, Clancy.**

To amend sections 2901.13, 2909.21, 2923.31, 2933.51, 2935.03, 4507.08, 4561.99, 4931.49, and 5502.03, and to enact sections 9.63, 2909.26, 2909.27, 2909.28, 2909.29, 2909.30, 2909.31, 2909.32, 2909.33, 2909.34, 2921.29, 3750.22, 4561.26, 4563.30, and 5502.012 of the Revised Code to bar state and local employees from unreasonably failing to comply with certain requests for assistance by federal authorities regarding homeland security; to restrict municipal ordinances and other enactments from materially hindering or preventing compliance with immigration or terrorism investigations or with federal laws or orders pertaining to terrorism or homeland security; to create the offenses of criminal possession of a chemical weapon, biological weapon, radiological or nuclear weapon, or explosive device, criminal use of a chemical weapon, biological weapon, radiological or nuclear weapon, or explosive device, illegal assembly or possession of chemicals for the manufacture of a chemical weapon, biological weapon, radiological or nuclear weapon, or explosive device, and money laundering in support of terrorism; to provide a 20-year limitations period for certain terrorism-related offenses; to require prosecutors and judges to notify federal immigration authorities when an illegal alien is convicted of a felony; to provide for the transfer pursuant to a valid detainer from the Department of Rehabilitation and Correction to federal immigration authorities of an illegal alien in the Department's custody upon completion of the alien's prison term; to require persons in or near a critical transportation infrastructure site to show identification when requested by a law enforcement officer in specified circumstances; to require applicants for certain specified licenses to disclose through a questionnaire any material assistance they have provided to an organization on the United States Department of State Terrorist Exclusion List and generally restrict the issuance of the licenses to applicants who disclose any such material assistance; to generally prohibit the state or a political subdivision of the state from conducting business with any person, company, or others that provide, and from employing any person that provides, material assistance to any organization on the United States Department of State Terrorist Exclusion List; to require a person in a public place to provide the person's name and other identifying information to a law enforcement officer when the officer has reasonable suspicion that either the person is or has been engaged in criminal activity or the person has witnessed a felony offense of violence; to include the terrorism-related offenses enacted in the bill and animal and ecological terrorism as "corrupt activity" under the Corrupt Activity Law; to include the terrorism-related offenses enacted in the bill as "designated offenses" for which an interception warrant may be issued under the Communications Interception Law; to clarify the authority of Ohio peace officers and Department of Public Safety personnel to assist federal law enforcement officers in certain circumstances; to prohibit the reinstatement of a suspended driver's license to a person who is the subject of an active arrest

warrant; to authorize emergency notification through the reverse-911 database; to provide certain security-related measures regarding public-use and private-use airports; and to expand the homeland security duties of the Department of Public Safety, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 9**, 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 Jacobson moved to amend the title as follows:

Add the names: "Gardner, Harris, Spada, Cates, Austria."

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

The motion was agreed to and the title so amended.

Am. 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 eliminate laws regarding direct payment to providers for 9-1-1 emergency services, to repeal sections 1753.281 and 3923.651 of the Revised Code that are scheduled to take effect March 31, 2005, 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?"

On the motion of Senator Jacobson, **Am. H. B. No. 13** was informally passed and retained its place on the calendar.

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, 127.16, 307.12, 315.08, 315.14, 315.18, 2935.03, 4501.04, 4501.06, 4501.21, 4501.26, 4503.02, 4503.103, 4503.26, 4503.40, 4503.42, 4504.02, 4504.15, 4504.16, 4504.18, 4505.021, 4505.031, 4505.032, 4505.06, 4505.08, 4506.01, 4506.03, 4506.05, 4506.08, 4506.09, 4506.10, 4506.11, 4506.12, 4506.14, 4506.15, 4506.16, 4506.17, 4506.20, 4506.23, 4506.25, 4507.02, 4508.06, 4509.27, 4511.191, 4511.21, 4513.263, 4513.34, 4513.61, 4519.58, 4749.02, 4749.03, 4749.06, 4749.10, 4765.07, 4765.11, 5501.11, 5503.04, 5513.04, 5525.01, 5525.10, 5525.15, 5525.25, 5531.09, 5531.10, 5537.16, 5537.17, 5543.02, 5735.05, 5735.23, 5735.25, 5735.27, 5735.28, and 5735.29; to enact sections 4503.85, 4508.10, and 5531.11; and to repeal sections 4501.12, 4501.35, 4506.02, and 4506.26 of the Revised Code and to amend Section 5 of Sub. S.B. 59 of the 124th General Assembly 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, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 68**, 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	Hagan	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Wachtmann
Wilson	Zurz		Harris-31.

Senator Grendell voted in the negative-1.

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, Gardner, Mallory, Spada, Harris, Hagan, Wilson, Dann, Zurz, Roberts."

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

The motion was agreed to and the title so amended.

On the motion of Senator Gardner, the Senate recessed until 2:45 p.m.

The Senate met pursuant to the recess.

On the motion of Senator Jacobson, **Am. H. B. No. 13**, having been informally passed, was taken up for consideration.

The question being, "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 25, nays 7, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Gardner	Goodman	Grendell	Hottinger
Jacobson	Jordan	Mumper	Niehaus
Padgett	Prentiss	Schuler	Schuring
Spada	Wachtmann	Wilson	Zurz
			Harris-25.

Senators Dann, Fedor, Fingerhut, Hagan, Mallory, Miller, and Roberts voted in the negative-7.

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 27, nays 5, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Fingerhut	Gardner	Goodman	Hottinger
Jacobson	Jordan	Mallory	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Wachtmann
Wilson	Zurz		Harris-27.

Senators Dann, Fedor, Grendell, Hagan, and Miller voted in the negative-5.

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

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

The title was agreed to.

MOTIONS

Senator Hottinger moved that Senators absent the week of Sunday, March 6, 2005, 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 bills were introduced and considered the first time:

S. B. No. 103-Senators Hagan, Dann, Fedor.

To amend sections 5111.013 and 5112.17 and to enact sections 5101.56 and 5101.561 of the Revised Code to require applicants for CHIP, Disability Medical Assistance, and Medicaid to provide information about their employers, to require hospitals to gather employer information from patients who receive treatment under the Hospital Care Assurance Program, and to require an annual report identifying the employers.

S. B. No. 104-Senators Fedor, Miller, Clancy, Brady.

To amend sections 5747.08 and 5747.98 and to enact section 5747.72 of the Revised Code to create a refundable tax credit for nurses who teach nursing at post-secondary educational institutions.

S. B. No. 105-Senators Zurz, Prentiss, Fedor, Fingerhut, Grendell, Dann, Wilson.

To enact sections 3727.18, 3727.181, 3727.182, 3727.183, 3727.184, 3727.185, 3727.186, and 3727.187 of the Revised Code to prohibit hospitals from requiring registered nurses and licensed practical nurses to work overtime.

OFFERING OF RESOLUTIONS

Senator Roberts offered the following concurrent resolution:

S. C. R. No. 5-Senators Roberts, Jordan, Fedor, Hagan, Brady, Gardner.

To create the Legislative Commission on the Future of the Bureau for Children with Medical Handicaps.

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

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

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, Gerald V. Carter, Democrat, from Youngstown, Mahoning County, Ohio, as a Member of the Chemical Dependency Professionals Board for a new term beginning February 18, 2005 and ending at the close of business December 23, 2007.

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 18th day of February 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, Floyd H. Flake, from Wilberforce, Greene County, Ohio, as a Member of the National Museum of Afro-American History and Culture Planning Council for a new term beginning February 18, 2005 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 18th day of February 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 W. Garland, Independent, from Xenia, Greene County, Ohio, as a Member of the National Museum of Afro-American History and Culture Planning Council for a term beginning February 18, 2005 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 18th day of February 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, Joe R. A. Gay, Democrat, from Athens, Athens County, Ohio, as a Member of the Chemical Dependency Professionals Board for a new term beginning February 18, 2005 and ending at the close of business December 23, 2007.

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 18th day of February 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, Karen K. Moody-Bierly, Republican, from Mansfield, Richland County, Ohio, as a Member of the Chemical Dependency Professionals Board for a new term beginning February 18, 2005 and ending at the close of business December 23, 2007.

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 18th day of February 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, Linda A. Swenson, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Chemical Dependency Professionals Board for a new term beginning February 18, 2005 and ending at the close of business December 23, 2007.

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 18th day of February 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 PRESIDENT

Pursuant to Senate Rule 30, the President of the Senate appoints Senator Niehaus to replace Senator Grendell on the Joint Committee on Agency Rule Review.

On the motion of Senator Jacobson, the Senate adjourned until Thursday, March 10, 2005 at 11:00 o'clock a.m.

Attest:

MATTHEW T. SCHULER,
Clerk.