

OHIO

SENATE

JOURNAL

TUESDAY, MARCH 15, 2005

TWENTY-NINTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, March 15, 2005, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Pamela Hairston, Rainbow Covenant Ministries, Columbus, Ohio, followed by the Pledge of Allegiance to the Flag.

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

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has refused to concur in the Senate amendments to:

Sub. H. B. No. 68 - Representative T. Patton - et al.

Attest:

Laura P. Clemens,
Clerk.

Senator Gardner moved that the Senate insists on its amendments to **H.B. No. 68**, and ask for a Committee of Conference.

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

The motion was agreed to.

**REPORTS OF REFERENCE AND BILLS FOR SECOND
CONSIDERATION**

Senator Schuring reports for the Standing Committee on Reference, recommending that the following bills and concurrent resolutions, standing in order for second consideration, be referred to committee as recommended:

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.

To the Committee on Health, Human Services and Aging.

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.

To the Committee on Ways and Means and Economic Development.

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.

To the Committee on Health, Human Services and Aging.

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.

To the Committee on Health, Human Services and Aging.

S. C. R. No. 6-Senators Armbruster, Clancy, Schuler, Spada.

To memorialize the Congress of the United States to extend and expand the Steel Import Licensing and Surge Monitoring System that requires licensing and monitoring of certain steel products imported into the United States.

To the Committee on Insurance, Commerce and Labor.

YES - 5: MARK MALLORY, J. KIRK SCHURING, 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 and concurrent resolutions 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 was referred the appointment by the Governor of:

Bob Gardner, Republican, from Madison, Lake County, Ohio, as a Member of the Liquor Control Commission for a term beginning February 8, 2005 and ending at the close of business February 8, 2011, replacing Janet C. Howard, whose term expired.

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

YES - 11: BILL HARRIS, JEFF JACOBSON, ROBERT F. SPADA, J. KIRK SCHURING, ROBERT F. HAGAN, TERESA FEDOR, MARK MALLORY, C. J. PRENTISS, RANDY GARDNER, JAY HOTTINGER, STEPHEN C. AUSTRIA.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointment 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 appointment.

BILLS FOR THIRD CONSIDERATION**Sub. S. B. No. 61**-Senator Wachtmann.

To amend sections 4169.01, 4169.03, 4169.08, and 4169.09 of the Revised Code to modify duties and liabilities of ski operators and skiers, including duties and liabilities relating to the use of freestyle terrain and tubing parks in ski areas, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 61**, 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?"

The title was agreed to.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bill was introduced and considered the first time:

S. B. No. 106-Senator Brady.

To amend section 1541.03 of the Revised Code to prohibit the Division of Parks and Recreation in the Department of Natural Resources from charging a fee to park a motor vehicle in a park that the state does not own but that the Division manages and to declare an emergency.

OFFERING OF RESOLUTIONS

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

S. R. No. 37-Senators Mallory, Clancy, Schuler.

Honoring Aisha Berry on being crowned Miss Ohio USA 2005.

S. R. No. 38-Senator Fingerhut.

Honoring Sarah Beachy for outstanding service to the State of Ohio.

S. R. No. 39-Senator Jacobson.

Honoring the Village of Germantown as the 2004 Make A Difference Day state winner.

S. R. No. 40-Senators Goodman, Spada, Wachtmann, Coughlin, Grendell, Carey, Gardner, Schuring, Schuler, Harris, Armbruster, Amstutz, Mumper.

Honoring the Ohio Military Hall of Fame on its sixth annual induction ceremony.

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

So the resolutions were adopted.

COMMUNICATIONS FROM THE GOVERNOR

The President handed down the following messages from the Governor which were read by the Clerk:

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Merom Brachman, Republican, from Bexley, Franklin County, Ohio, as a Member of the Ethics Commission for a new term beginning March 4, 2005 and ending at the close of business January 1, 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 10th day of March 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. Hanaway, Republican, from Centerville, Montgomery County, Ohio, as a Member of the State Board of Career Colleges and Schools for a term beginning March 4, 2005 and ending at the close of business November 20, 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 10th day of March 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, Richard R. Hollington, Jr., Republican, from Hunting Valley, Cuyahoga County, Ohio, as a Member of the Banking Commission for a new term beginning March 4, 2005 and ending at the close of business January 31, 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 March 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, James R. Hubbard, Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the Banking Commission for a new term beginning March 4, 2005 and ending at the close of business January 31, 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 March 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, Thomas W. Jones, from Chagrin Falls, Cuyahoga County, Ohio, as a Member of the Advisory Board on Amusement Ride Safety for a new term beginning March 4, 2005 and ending at the close of business January 1, 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 10th day of March 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, Charles M. Kramer, Democrat, from North Olmsted, Cuyahoga County, Ohio, as a Member of the State Board of Career Colleges and Schools for a term beginning March 4, 2005 and ending at the close of business November 20, 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 10th day of March 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, William J. Prowant, Republican, from Dupont, Putnam County, Ohio, as Member of the Advisory Board on Amusement Ride Safety for a term beginning March 4,

2005, and ending at the close of business January 1, 2011, replacing Ray W. Prowant, 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 10th day of March 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, Wayne Rish, Republican, from Bucyrus, Crawford County, Ohio, as a Member of the Advisory Board on Amusement Ride Safety for a new term beginning March 4, 2005 and ending at the close of business January 1, 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 10th day of March 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, Kenneth R. Searfoss, Republican, from Perrysburg, Wood County, Ohio, as Member of the State Board of Career Colleges and Schools for a term beginning March 4, 2005, and ending at the close of business November 20, 2006, replacing Leonard D. Kingsley, 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 10th day of March 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, Judy C. Wolford, Republican, from Ashville, Pickaway County, Ohio, as a Member of the Agricultural Financing Commission for a new term beginning March 4, 2005 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 10th day of March 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, Leland C. Wyse, Republican, from Coshocton, Coshocton County, Ohio, as Member of the Central Ohio Technical College Board of Trustees for a term beginning March 4, 2005, and ending at the close of business September 30, 2005, replacing Valerie R. Bailey, 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 10th day of March 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 House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the Senate amendments to:

Am. H. B. No. 13 - Representative Wagner - et al.

Attest:

Laura P.Clemens,
Clerk.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the Senate amendments to:

Am. H. B. No. 67 - Representative Schaffer - et al.

Attest:

Laura P. Clemens,
Clerk.

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 followingbill:

Sub. S. B. No. 20 - Senators Goodman, Amstutz, Coughlin, Clancy, Schuler, Jacobson, Cates, Mumper, Austria, Schuring, Grendell, Wachtmann, Gardner, Carey, Padgett, Jordan, Spada, Hottinger, Zurz, Armbruster, Niehaus, Hagan, Dann, Fedor, Miller Representatives Latta, D. Evans, Buehrer, Seaver, Seitz, Allen, Aslanides, Barrett, Beatty, Blasdel, Blessing, Book, Brinkman, Bubp, Calvert, Carano, Carmichael, Cassell, Chandler, Collier, Combs, Core, Daniels, DeBose, DeGeeter, DeWine, Distel, Dolan, Domenick, Driehaus, C. Evans, Faber, Fende, Fessler, Flowers, Gibbs, Gilb, Hagan, Hartnett, Harwood, Healy, Hood, Hoops, Hughes, Kearns, Key, Kilbane, Koziura, Law, Martin, McGregor, Mitchell, Oelslager, Otterman, S. Patton, T. Patton, Perry, Peterson, Raga, Raussen, Reidelbach, Reinhard, Sayre, Schaffer, Schlichter, Schneider, Setzer, G. Smith, D. Stewart, J. Stewart, Strahorn, Sykes, Taylor, Trakas, Uecker, Ujvagi, Wagner, Wagoner, Walcher, Webster, White, Widener, Widowfield, Williams, Wolpert, Yates, Yuko, Husted

To amend sections 2901.11 and 2901.12 of the Revised Code to clarify the application of the state's criminal jurisdiction statute to offenses committed in a jurisdiction other than Ohio that result from a conspiracy, an attempt, or complicity to commit the offense that occurs in Ohio; to clarify the application of that statute in homicide cases; to clarify that Ohio criminal specifications are applicable to persons who commit an offense in a jurisdiction other than Ohio but are subject to Ohio criminal jurisdiction; and to make other related changes to the state's criminal jurisdiction and venue statutes.

Attest:

Laura P. Clemens,
Clerk.

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:

Sub. S. B. No. 56 - Senators Mumper, Wachtmann, Harris, Cates, Jacobson
Representatives Coley, C. Evans, D. Evans, Gibbs, Hood, Setzer, Widowfield

To amend section 3318.31 of the Revised Code and to amend Section 41.21 of Am. Sub. H.B. 95 of the 125th General Assembly and to amend Section 41.13 of Am. Sub. H.B. 95 of the 125th General Assembly, as subsequently amended, to enact as a separate act the provision of law exempting employees of the Ohio School Facilities Commission from the collective bargaining law, to make adjustments to the Department of Education's fiscal year 2005 budget, and to make an appropriation.

As a substitute bill, in which the concurrence of the Senate is requested:

Attest:

Laura P. Clemens,
Clerk.

Said amendments were laid over under the rule.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives accedes to the request of the Senate for a Committee of Conference on matters of difference between the two Houses on:

Sub. H. B. No. 68 - Representative T. Patton - et al.

The Speaker of the House has appointed as managers on the part of the House on such matters of difference:

Representatives Calvert, T. Patton and S. Patton.

Attest:

Laura P. Clemens,
Clerk.

MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rule 30, the President of the Senate appoints the following members to serve on the Conference Committee on Sub. H.B. No. 68 of the 126th General Assembly:

Senator Armbruster
Senator Schuring
Senator Mallory

On the motion of Senator Jacobson, the Senate recessed until 4:30 p.m.

The Senate met pursuant to the recess.

On the motion of Senator Jacobson, the Senate reverted to the Fourth Order of Business, Reports of Conference Committees.

REPORTS OF CONFERENCE COMMITTEES

The report of the Committee of Conference to which the matters of difference between the two houses were referred on **Sub. H.B. No. 68**, Representative T. Patton - et al., was read and laid over under the rule.

On the motion of Senator Jacobson, the Senate adjourned until Wednesday, March 16, 2005 at 1:30 p.m.

Attest:

MATTHEW T. SCHULER,
Clerk.