

**OHIO**

**SENATE**

**JOURNAL**

**THURSDAY, MARCH 23, 2006**

ONE HUNDRED SIXTY-FOURTH DAY  
Senate Chamber, Columbus, Ohio  
**Thursday, March 23, 2006, 11:00 o'clock a.m.**

The Senate met pursuant to adjournment.

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

**REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Cates submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **S. B. No. 277**-Senators Jacobson, Kearney, having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Cates, Armbruster.

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

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. 219**-Senator Schuring, et al., 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, TIMOTHY J. GRENDALL, J. KIRK SCHURING, MARC DANN, KIMBERLY A. ZURZ, ERIC H. KEARNEY, STEPHEN C. AUSTRIA.

NO - 0.

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

The report of the committee was accepted.

Senator Niehaus submitted the following report:

The standing committee on Environment and Natural Resources, to which was referred **S. B. No. 265**-Senator Spada, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Mumper, remove Fedor.

YES - 6: JOHN A. CAREY, LARRY A. MUMPER, ROBERT F. SPADA, JAY HOTTINGER, TOM NIEHAUS, TIMOTHY J. GRENDELL.

NO - 3: ROBERT F. HAGAN, DALE MILLER, TERESA FEDOR.

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

The report of the committee was accepted.

Senator Niehaus submitted the following report:

The standing committee on Environment and Natural Resources, to which was referred **H. B. No. 440**-Representative Stewart, J., et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Carey, Spada, Hottinger, Niehaus, Hagan, Fedor, Mumper.

YES - 9: JOHN A. CAREY, ROBERT F. SPADA, JAY HOTTINGER, TOM NIEHAUS, ROBERT F. HAGAN, DALE MILLER, TERESA FEDOR, LARRY A. MUMPER, TIMOTHY J. GRENDELL.

NO - 0.

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

The report of the committee was accepted.

### **INTRODUCTION AND FIRST CONSIDERATION OF BILLS**

The following bills were introduced and considered the first time:

**S. B. No. 300**-Senator Armbruster.

To amend sections 4501.01, 4503.07, 4503.77, 4503.78, 4506.03, 4506.09, 4506.16, 4507.02, 4507.05, 4507.23, 4507.53, 4511.01, 4511.75, 4511.761, 4511.762, 4511.77, 4511.771, 4513.50, 5525.03, 5525.09, 5531.10, 5577.05, and 5735.27 and to enact sections 4511.214, 4513.42, and 5531.11 of the Revised Code to establish conditions for the Department of Transportation to participate in environmental review of federal transportation projects, to revise

State Infrastructure Bank provisions, to authorize the operation of certain special vehicles, to make changes to third-party commercial driver's license examinations and commercial driver's license disqualifications, and to modify other transportation and public safety programs.

**S. B. No. 301**-Senator Kearney.

To amend section 169.05 and to enact sections 3107.018 and 5101.143 of the Revised Code to allow the Ohio Department of Job and Family Services to make loans to prospective adoptive parents from the interest earned on Ohio's unclaimed funds.

**S. B. No. 302**-Senators Dann, Miller, D., Fingerhut, Zurz, Grendell, Fedor, Hagan.

To amend section 4701.19 of the Revised Code to eliminate the provisions that certain records made by a certified public accountant or a public accountant incident to an audit of a public office or private entity are not public records, including when those records are in the Auditor of State's possession.

**S. B. No. 303**-Senators Wachtmann, Hottinger, Jordan, Amstutz, Mumper, Grendell, Cates, Clancy, Austria.

To amend section 124.85 of the Revised Code to prohibit the state offering, sponsoring, or endorsing a health insurance policy that covers nontherapeutic abortion.

#### **OFFERING OF RESOLUTIONS**

Senator Schuler offered the following concurrent resolution:

**S. C. R. No. 28**-Senators Schuler, Fingerhut, Grendell, Coughlin, Miller, R., Armbruster, Zurz.

To urge the support of Taiwan's participation in the World Health Organization.

The question being, "Shall the concurrent resolution, **S. C. R. No. 28**, be adopted?"

On the motion of Senator Zurz, **S. C. R. No. 28**, was referred to the Committee on Reference.

Senator Hagan offered the following resolution:

**S. R. No. 179**-Senator Hagan.

Honoring the Germania Ladies Auxiliary on its One Hundredth Anniversary.

The question being, "Shall the resolution, **S. R. No. 179**, be adopted?"

So the resolution was adopted.

### **COMMUNICATIONS FROM THE GOVERNOR**

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

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

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Anita L. Adams, Democrat, from Huber Heights, Montgomery County, Ohio, as a Member of the Ohio Respiratory Care Board for a term beginning March 14, 2006, and ending at the close of business March 14, 2009, replacing Yvonne George, 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 13th day of March in the year of our Lord, two thousand and six.

[Seal]

Bob Taft,  
Governor.

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

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Eugene W. Andrews, Republican, from Strongsville, Cuyahoga County, Ohio, as a Member of the Ohio Respiratory Care Board for a new term beginning March 14, 2006 and ending at the close of business March 14, 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 13th day of September in the year of our Lord, two thousand and six.

[Seal]

Bob Taft,  
Governor.

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

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Alison A. Clarey, from Dayton, Montgomery County, Ohio, as a Member of the University College of Osteopathic Medicine Advisory Board for a term beginning March 10, 2006, and ending at the close of business November 16, 2011, replacing George Thomas, 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 13th day of March in the year of our Lord, two thousand and six.

[Seal]

Bob Taft,  
Governor.

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

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Patricia A. Grischow, Republican, from East Canton, Stark County, Ohio, as a Member of the Ohio University College of Osteopathic Medicine Advisory Board for a term beginning March 10, 2006, and ending at the close of business November 16, 2011, replacing Thomas Johnston, 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 13th day of March in the year of our Lord, two thousand and six.

[Seal]

Bob Taft,  
Governor.

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

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Ellen H. Hardyman, Republican, from Columbus, Delaware County, Ohio, as a Member of the Savings and Loan Associations and Savings Banks Board for a new term beginning March 10, 2006 and ending at the close of business

January 31, 2009.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 13th day of March in the year of our Lord, two thousand and six.

[Seal]

Bob Taft,  
Governor.

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

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Betty L. Kimbrew, Democrat, from Chardon, Geauga County, Ohio, as a Member of the Savings and Loan Associations and Savings Banks Board for a new term beginning March 10, 2006 and ending at the close of business January 31, 2009.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 13th day of March in the year of our Lord, two thousand and six.

[Seal]

Bob Taft,  
Governor.

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

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Joel D. Marx, Democrat, from Pepper Pike, Cuyahoga County, Ohio, as a Member of the Ohio Respiratory Care Board for a new term beginning March 14, 2006 and ending at the close of business March 14, 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 13th day of March in the year of our Lord, two thousand and six.

[Seal]

Bob Taft,  
Governor.

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

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Roger S. Redman, Republican, from Wooster, Wayne County, Ohio, as a Member of the State Veterinary Medical Licensing Board for a term beginning March 10, 2006, and ending at the close of business December 31, 2010, replacing Jarry Lahmers, 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 13th day of March in the year of our Lord, two thousand and six.

[Seal]

Bob Taft,  
Governor.

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

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Dana G. Rinehart, Republican, from Dublin, Franklin County, Ohio, as a Member of the Ohio Respiratory Care Board for a new term beginning March 14, 2006 and ending at the close of business March 14, 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 13th day of March in the year of our Lord, two thousand and six.

[Seal]

Bob Taft,  
Governor.

Said appointments were referred to the Committee on Rules.

Message from the House of Representatives

Mr. President:

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

**Sub. H. B. No. 73** - Representatives Trakas, Kilbane, Latta, Gibbs, Blessing, Collier, Schaffer, Blasdel, Hagan, Brinkman, Gilb, Ujvagi, Taylor,



Chandler, Combs, Domenick, Evans, C., Evans, D., Hartnett, Koziura, Oelslager, Patton, T., Peterson, Redfern, Reidelbach, Setzer, Smith, G.

To amend sections 5747.01, 5747.24, and 5748.01, and to repeal section 5747.25 of the Revised Code to increase the amount of time an individual may spend in Ohio before being presumed to be a resident for income tax purposes.

**H. B. No. 378** - Representatives Ujvagi, Healy, McGregor, J., Distel, Reidelbach, DeGeeter, Yuko, Latta, Perry, Hughes, Skindell, Carano, Fende, Harwood, Kilbane, Hartnett, Sykes, Gibbs, Taylor, Gilb, Blessing, Seitz, Driehaus, Collier, Schaffer, Hagan, Allen, Aslanides, Barrett, Beatty, Book, Brown, Buehrer, Cassell, Chandler, Combs, Core, DeBose, Dolan, Domenick, Evans, C., Evans, D., Faber, Flowers, Hoops, Key, Koziura, Martin, Mason, McGregor, R., Mitchell, Oelslager, Otterman, Patton, S., Patton, T., Peterson, Raussen, Redfern, Reed, Reinhard, Sayre, Schlichter, Smith, G., Smith, S., Stewart, D., Stewart, J., Strahorn, Trakas, Uecker, Wagoner, White, Widener, Widowfield, Willamowski, Williams, Woodard

To amend section 5747.01 of the Revised Code to exempt from taxation military pay and allowances.

Attest:

Laura P. Clemens,  
Clerk.

Said bills were considered the first time.

#### Message from the House of Representatives

Mr. President:

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

**Sub. H. B. No. 80** - Representatives Smith, G., Flowers, Hartnett, Calvert, Hagan, Stewart, D., Distel, Yuko, Cassell, Collier, Combs, Allen, Aslanides, Barrett, Blessing, Chandler, Daniels, DeBose, Domenick, Evans, C., Fende, Garrison, Hughes, Key, McGregor, J., Otterman, Patton, T., Schaffer, Schneider, Setzer, Skindell, Stewart, J., Strahorn, Uecker, Williams

To enact sections 153.03 and 153.031 of the Revised Code to prohibit a state agency from awarding a public improvement contract unless its terms require the contractors and subcontractors to participate in a specified drug-free workplace program.

**Am. Sub. H. B. No. 530** - Representatives Calvert, Coley, Allen, Aslanides,

Collier, Combs, Dolan, Evans, C., Evans, D., Flowers, Hagan, Law, Martin, McGregor, R., Peterson, Schneider, Seitz, Setzer, Webster, White, Widowfield

To amend sections 9.41, 9.901, 101.543, 107.40, 109.57, 109.572, 113.09, 113.11, 113.12, 117.45, 117.46, 117.47, 117.48, 120.36, 120.52, 120.521, 120.53, 121.37, 122.17, 122.171, 122.72, 122.73, 122.74, 122.90, 124.09, 124.11, 124.137, 124.138, 124.139, 124.14, 124.151, 124.152, 124.18, 124.181, 124.182, 124.321, 124.327, 124.382, 124.384, 124.387, 124.389, 124.391, 124.82, 124.821, 124.822, 124.823, 124.84, 125.21, 126.07, 126.21, 126.22, 131.01, 131.02, 131.33, 133.01, 133.04, 133.06, 133.12, 133.18, 141.08, 141.10, 145.70, 173.14, 173.39, 173.391, 173.41, 184.20, 319.301, 340.021, 742.57, 901.23, 927.39, 927.40, 927.41, 927.42, 955.011, 955.16, 955.43, 1309.102, 1309.520, 1309.521, 1317.07, 1321.02, 1333.11, 1523.02, 1901.31, 1901.311, 1901.32, 1901.33, 2151.357, 2305.2341, 2503.20, 2913.01, 2913.02, 2921.321, 2923.46, 2925.44, 2933.43, 3109.14, 3301.0714, 3302.021, 3307.32, 3309.68, 3310.03, 3310.06, 3313.29, 3313.372, 3313.61, 3313.64, 3313.6410, 3313.813, 3314.02, 3314.03, 3314.08, 3314.26, 3314.35, 3314.36, 3315.01, 3317.01, 3317.015, 3317.02, 3317.021, 3317.022, 3317.024, 3317.029, 3317.0216, 3317.03, 3317.051, 3317.053, 3317.06, 3317.07, 3317.082, 3317.11, 3317.19, 3318.052, 3318.37, 3319.17, 3323.091, 3323.13, 3323.20, 3345.05, 3353.02, 3354.10, 3355.07, 3357.10, 3358.06, 3365.02, 3375.121, 3381.15, 3381.17, 3517.152, 3701.041, 3701.341, 3701.65, 3705.242, 3734.57, 3735.67, 3745.114, 3905.43, 4109.01, 4109.02, 4109.06, 4117.01, 4303.29, 4731.22, 4731.281, 4781.04, 4905.79, 5111.061, 5111.081, 5111.11, 5111.20, 5111.222, 5111.231, 5111.244, 5111.27, 5111.31, 5111.88, 5111.882, 5111.889, 5111.8811, 5111.8812, 5112.08, 5112.18, 5112.31, 5115.04, 5119.16, 5123.0413, 5123.196, 5123.36, 5139.50, 5505.27, 5531.10, 5577.99, 5703.21, 5703.57, 5705.03, 5705.091, 5705.19, 5705.195, 5705.34, 5709.08, 5709.081, 5709.40, 5709.42, 5709.43, 5709.73, 5709.74, 5709.75, 5709.78, 5709.79, 5709.80, 5711.01, 5725.221, 5727.06, 5727.85, 5729.05, 5733.01, 5733.352, 5733.56, 5733.98, 5735.27, 5739.01, 5739.011, 5739.026, 5739.211, 5741.031, 5743.025, 5743.03, 5743.04, 5743.05, 5743.08, 5743.081, 5743.12, 5743.13, 5743.15, 5743.33, 5743.34, 5743.35, 5745.01, 5747.01, 5747.012, 5747.05, 5747.056, 5747.11, 5747.331, 5748.01, 5748.02, 5751.01, 5751.011, 5751.032, 5751.04, 5751.05, 5751.051, 5751.10, 5751.20, 5751.21, 5751.22, 5751.53, and 6121.02; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 117.45 (126.35), 117.46 (126.36), 117.47 (126.37), 117.48 (126.38), 173.41 (173.394), 5111.081 (5111.942), 5111.082 (5111.081), 5111.083 (5111.082), 5111.084 (5111.083), and 5111.085 (5111.084); to enact new sections 3325.12, 3365.11, and 5111.18 and sections 131.022, 173.27, 307.761, 333.01, 333.02, 333.03, 333.04, 333.05, 333.06, 333.07, 3310.11, 3310.12, 3314.18, 3323.143, 3701.046, 3701.79, 4303.207, 4503.105, 5111.8813, 5111.8814, 5111.8815, 5111.8816, 5111.8817, 5111.941, 5111.943, 5112.311, 5123.37, 5123.371, 5123.372, 5123.373, 5123.374, 5123.375, 5502.261, 5531.101, 5701.11, 5705.211, 5725.222, 5725.98, 5729.101, 5729.102,

5729.98, 5743.021, 5743.321, 5748.011, and 5919.19; and to repeal sections 3325.12, 3325.17, 3365.11, 4732.04, and 5111.18 of the Revised Code; to amend Section 3 of Sub. H.B. 11 of the 126th General Assembly; to amend Sections 203.09, 203.12, 203.12.12, 203.45, 203.51, 203.54, 203.66, 203.69, 203.84, 203.87, 203.99.01, 203.99.48, 206.03, 206.09.12, 206.09.15, 206.09.21, 206.09.27, 206.09.36, 206.09.39, 206.09.42, 206.09.66, 206.09.84, 206.16, 206.48, 206.66, 206.66.22, 206.66.23, 206.66.36, 206.66.64, 206.66.66, 206.66.84, 206.66.85, 206.66.91, 206.67.15, 206.67.21, 206.99, 209.04, 209.06.06, 209.06.09, 209.09.06, 209.09.18, 209.15, 209.18, 209.18.09, 209.24, 209.30, 209.33, 209.36, 209.45, 209.63, 209.63.42, 209.64.60, 209.75, 209.81, 209.90.06, 212.03, 212.24, 212.27, 212.30, 212.33, 315.03, 557.12, and 612.36.03 of Am. Sub. H.B. 66 of the 126th General Assembly; to amend Sections 23 and 23.01 of Am. Sub. S.B. 189 of the 125th General Assembly; to amend Sections 19.01, 20.01, 23.12, and 23.45 of Am. Sub. H.B. 16 of the 126th General Assembly, as subsequently amended; to amend Sections 203.06.06 and 203.06.24 of Am. Sub. H.B. 68 of the 126th General Assembly, as subsequently amended; to amend Section 22 of Am. Sub. S.B. 189 of the 125th General Assembly, as subsequently amended; and to repeal Sections 315.03 and 557.09.09 of Am. Sub. H.B. 66 of the 126th General Assembly to make capital reappropriations for the biennium ending June 30, 2008, to make certain supplemental and capital appropriations and to provide authorization and conditions for the operation of state programs.

Attest:

Laura P. Clemens,  
Clerk.

Said bills were considered the first time.

Message from the House of Representatives

Mr. President:

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

**Sub. H. B. No. 231** - Representative Mason - et al.

**Am. Sub. H. B. No. 235** - Representative Wagner - et al.

**Am. H. B. No. 265** - Representative Seitz - et al.

Attest:

Laura P. Clemens,  
Clerk.

## 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:

**Sub. H. B. No. 478** - Representative Wagoner - et al.

Attest: Laura P. Clemens,  
Clerk.

The President signed said bill.

## Message from the House of Representatives

Mr. President:

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

**Sub. H. B. No. 231** - Representative Mason - et al.

**Am. Sub. H. B. No. 235** - Representative Wagner - et al.

**Am. H. B. No. 265** - Representative Seitz - et al.

Attest: Laura P. Clemens,  
Clerk.

The President signed said bills.

## Message from the House of Representatives

Mr. President:

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

**H. C. R. No. 36** - Representatives DeWine, Smith, G., Setzer, Schlichter, Raga, Otterman, Core, Calvert, Flowers, Blasdel, Wolpert, Carmichael, Aslanides, Buehrer, Coley, Collier, Daniels, Dolan, Domenick, Evans, C., Evans, D., Faber, Gibbs, Gilb, Hagan, Hoops, Hughes, Kilbane, Latta, Law, Martin, McGregor, R., Patton, S., Patton, T., Peterson, Raussen, Reidelbach, Reinhard, Schaffer, Schneider, Seitz, Taylor, Wagoner, Webster, White, Widener, Widowfield, Willamowski, Fessler

To memorialize the United States Congress to encourage the members of the 109th Congress to support House Joint Resolution 53, which proposes to amend the Constitution of the United States by apportioning the members of the Congress based on the number of persons in each state who are citizens of the United States.

Attest:

Laura P. Clemens,  
Clerk.

The question being, "Shall the concurrent resolution, **H. C. R. No. 36**, be adopted?"

On the motion of Senator Zurz, **H. C. R. No. 36**, was referred to the Committee on Reference.

On the motion of Senator Zurz, the Senate adjourned until Monday, March 27, 2006 at 3:45 p.m.

Attest:

DAVID A. BATTOCLETTI,  
Clerk.