

**OHIO**

**SENATE**

**JOURNAL**

MONDAY, MARCH 27, 2006

ONE HUNDRED SIXTY-FIFTH DAY  
Senate Chamber, Columbus, Ohio  
**Monday, March 27, 2006, 3:45 p.m.**

The Senate met pursuant to adjournment.

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 concurrent resolutions, standing in order for second consideration, be referred to committee as recommended:

**Am. Sub. H. B. No. 9**-Representatives Oelslager, Flowers, Buehrer, White, Trakas, Aslanides, Beatty, Blessing, Book, Carano, Cassell, Chandler, Collier, DeBose, Domenick, Evans, C., Evans, D., Fende, Fessler, Garrison, Hagan, Hartnett, Harwood, Healy, Key, Law, Mason, McGregor, R., Otterman, Patton, T., Peterson, Redfern, Reidelbach, Sayre, Schneider, Seitz, Setzer, Skindell, Willamowski, Williams, Woodard, Yuko.

To amend sections 121.22, 149.011, 149.31, 149.38, 149.39, 149.41, 149.42, 149.43, 2923.129, 2923.1210, 3319.321, and 4701.19 and to enact sections 109.43, 149.411, 149.412, 2743.31, 2743.32, 2743.33, and 2743.34 of the Revised Code to revise the Public Records Law, to create the office of Public Access Counselor in the Court of Claims, to create a library records commission in each public library and a special taxing district records commission in each special taxing district, to allow a concealed carry licensee to prohibit the disclosure of the licensee's information to a journalist, to revise the records commissions laws, and to eliminate the provision that certain records made by a public accountant incident to an audit of a public office or private entity are not public records.

To the Committee on Judiciary - Civil Justice.

**H. B. No. 491**-Representatives Widener, McGregor, J., Miller, Yuko, Combs, Setzer, Strahorn, Faber, DeWine, Collier, Harwood, Sayre, Cassell, Reidelbach, Carano, Buehrer, Driehaus, Patton, T., Brown, Book, Gibbs, Hagan, Webster, Coley, Wagoner, Bocchieri, White, Blessing, Calvert, Chandler, Daniels, DeGeeter, Domenick, Evans, C., Evans, D., Flowers, Healy, Hughes, Key, Koziura, Latta, Martin, McGregor, R., Otterman, Perry, Schaffer, Schlichter, Smith, G., Stewart, D., Stewart, J., Willamowski, Yates.

To amend sections 4735.01, 4735.16, 4735.18, 4735.51, 4735.63, and 4735.65 and to enact sections 4735.621 and 4735.75 of the Revised Code to

add definitions to real estate broker law and to expand duties of licensees.

To the Committee on Insurance, Commerce and Labor.

**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.

To the Committee on Ways and Means and Economic Development.

**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.

To the Committee on Ways and Means and Economic Development.

**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.

To the Committee on Insurance, Commerce and Labor.

**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.

To the Committee on Finance and Financial Institutions.

**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.

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

**S. B. No. 294**-Senators Amstutz, Carey, Gardner, Grendell, Harris, Jacobson, Niehaus, Padgett, Schuring, Stivers, Zurz.

To amend sections 5739.03, 5739.031, 5739.033, 5739.034, 5739.035, 5739.123, and 5741.02 of the Revised Code to delay the date when vendors must convert from origin-based situsing to destination-based sourcing for the purposes of determining the appropriate sales tax jurisdiction in which a sale is taxable and to eliminate the plan for delayed transition to destination-based sourcing for vendors with limited Ohio sales.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 295**-Senators Carey, Austria, Gardner.

To amend sections 307.204 and 505.266 of the Revised Code to expand the notification requirements pertaining to concentrated animal feeding facilities by requiring applicable county and township officials to be notified regarding proposals for the establishment or certain expansions of any concentrated animal feeding facilities rather than only proposals involving major concentrated animal feeding facilities.

To the Committee on Agriculture.

**S. B. No. 296**-Senators Fedor, Miller, D., Schuring.

To amend sections 109.57, 109.572, 109.575, 109.576, 109.577, and 121.402 and to enact section 1541.80 of the Revised Code to require the Ohio Parks and Recreation Association to develop a coach's conduct and ethics policy for volunteer coaches involved in recreational youth athletics, to make those coaches subject to a criminal records check and prohibit their use if they have been convicted of or pleaded guilty to specified offenses, and to exempt recreational youth athletics organizations and entities from the criminal records check fee requirement.

To the Committee on Judiciary - Criminal Justice.

**S. B. No. 297**-Senators Fingerhut, Miller, D., Jacobson, Kearney, Zurz, Miller, R., Dann.

To enact section 1345.022 of the Revised Code to require a supplier in certain consumer transactions to obtain specified confirmation and

authorization from a consumer before charging the consumer's account for goods, services, or membership.

To the Committee on Insurance, Commerce and Labor.

**S. B. No. 298**-Senators Schuler, Carey, Clancy, Cates, Austria, Harris.

To enact section 156.10 of the Revised Code to provide for a state energy policy.

To the Committee on Energy and Public Utilities.

**S. B. No. 299**-Senator Stivers.

To amend section 2907.03 of the Revised Code to require a court to impose a prison term prescribed for a felony of the third degree on a person who is convicted of or pleads guilty to sexual battery if the victim is less than thirteen years of age.

To the Committee on Judiciary - Criminal Justice.

**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.

To the Committee on Highways and Transportation.

**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.

To the Committee on Finance and Financial Institutions.

**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.

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

**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.

To the Committee on Insurance, Commerce and Labor.

**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.

To the Committee on Health, Human Services and Aging.

YES - 4: J. KIRK SCHURING, KIMBERLY A. ZURZ, 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 concurrent resolutions were considered a second time and referred to committee as recommended.

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

The following bill was introduced and considered the first time:

**S. B. No. 304**-Senators Carey, Clancy, Amstutz.

To amend sections 4765.01, 4765.11, 4765.28, 4765.29, 4765.30, 4765.43, 4765.50, and 4765.99 of the Revised Code to modify the ambulance staffing and personnel certification requirements for emergency medical service organizations that use volunteers.

### **OFFERING OF RESOLUTIONS**

Senator Schuler offered the following concurrent resolution:

**S. C. R. No. 29**-Senators Schuler, Clancy, Kearney, Niehaus.

To designate the week of May 14, 2006, as "Co-op Education Week" in Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 29**, be adopted?"

On the motion of Senator Jacobson, **S. C. R. No. 29**, was referred to the Committee on Reference.

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

**S. R. No. 180**-Senators Harris, Wachtmann, Zurz, Gardner, Schuring, Roberts, Wilson, Fingerhut, Jacobson, Dann, Mumper, Armbruster, Clancy, Niehaus, Fedor, Grendell, Miller, R., Hagan, Miller, D., Goodman, Coughlin, Amstutz, Austria, Hottinger, Prentiss, Padgett, Spada, Stivers, Jordan, Cates, Carey, Schuler.

Recognizing the Governor's Twenty-sixth Annual Holocaust Commemoration, April 4, 2006.

**S. R. No. 181**-Senator Austria.

Honoring the Jonathan Alder High School girls basketball team on winning the 2006 Division III State Championship.

**S. R. No. 182**-Senator Clancy.

Honoring the Mount Notre Dame High School girls varsity basketball team

as the 2006 Division I State Champion.

**S. R. No. 183**-Senator Wachtmann.

Honoring Marc Hoff as a 2006 Division III State Wrestling Champion.

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

So the resolutions were adopted.

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. 39** - Representative Blasdel

To designate the twenty-ninth day of April of each year as "Dale Earnhardt Day" in Ohio.

Attest:

Laura P. Clemens,  
Clerk.

The question being, "Shall the concurrent resolution, **H. C. R. No. 39**, be adopted?"

So the concurrent resolution was adopted.

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. 148** - Senators Hottinger, Grendell, Carey, Spada  
Representatives Wolpert, Domenick, McGregor, J., Bulp, Uecker, Combs,  
Yuko, Fende, Blessing, Calvert, Carano, Cassell, Chandler, Daniels, DeBose,  
Distel, Dolan, Evans, C., Evans, D., Flowers, Hughes, Key, Latta, Otterman,  
Patton, T., Raussen, Reidelbach, Sayre, Schneider, Seitz, Setzer, Smith, G.,  
Smith, S., Stewart, J., Willamowski, Williams

To amend section 317.09 of the Revised Code to authorize a county

recorder to use electronic or magnetic mediums for recording federal tax and other federal liens and to request the disposal of paper versions of those recorded documents.

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.

On the motion of Senator Jacobson, the Senate adjourned until Tuesday, March 28, 2006 at 1:30 p.m.

Attest: DAVID A. BATTOCLETTI,  
Clerk.