

**OHIO**

**SENATE**

**JOURNAL**

TUESDAY, MAY 16, 2006

ONE HUNDRED EIGHTY-THIRD DAY  
Senate Chamber, Columbus, Ohio  
**Tuesday, May 16, 2006, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Abby Flemister, Trinity Episcopal Church, Columbus, Ohio, followed by the Pledge of Allegiance to the Flag.

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

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

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

**H. B. No. 236**-Representatives White, McGregor, Wagner, D. Evans, Reidelbach, Wolpert, Seitz, Kearns, C. Evans, Faber, Chandler, Otterman, Law, Hagan, Latta, Perry, Wagoner, Collier, Allen, Fende, Barrett, Blessing, Book, Brown, Bulp, Cassell, DeBose, Domenick, Driehaus, Flowers, Hartnett, Harwood, Hughes, Key, Kilbane, Koziura, Patton, T., Raussen, Redfern, Sayre, Schaffer, Schlichter, Schneider, Skindell, Smith, G., Stewart, D., Stewart, J., Taylor, Uecker, Ujvagi, Willamowski, Williams, Yuko, Beatty, Mason.

To amend section 2108.15 and to enact section 4503.721 of the Revised Code to create "Donate Life" license plates.

To the Committee on Highways and Transportation.

**Am. Sub. H. B. No. 422**-Representatives Hughes, Flowers, Reidelbach, Latta, Evans, D., Bocchieri, Yuko, Chandler, Wolpert, Setzer, Barrett, Williams, Carano, Cassell, Combs, DeBose, Domenick, Evans, C., Fende, Gilb, Hagan, Harwood, Key, McGregor, J., Otterman, Patton, T., Sayre, Smith, G., Stewart, D., Widener.

To amend sections 149.433, 3301.56, 3313.536, 3314.03, 3737.73, and 3737.99 of the Revised Code to revise and expand the application of laws governing school safety plans and school safety drills.

To the Committee on Education.

**H. B. No. 484**-Representatives Bocchieri, McGregor, J., Raussen, Hood, Healy, Wagoner, Seitz, Hughes, Widener, Chandler, Stewart, D., Carano, Harwood, Reinhard, Flowers, Carmichael, Sykes, Buehrer, Allen, Aslanides, Barrett, Beatty, Blasdel, Blessing, Book, Brown, Bubp, Calvert, Cassell, Coley, Collier, Combs, Core, Daniels, DeBose, DeGeeter, Distel, Dolan, Domenick, Driehaus, Evans, C., Evans, D., Faber, Fende, Garrison, Gibbs, Gilb, Hagan, Hartnett, Hoops, Key, Kilbane, Koziura, Latta, Law, Martin, Mason, Mitchell, Oelslager, Otterman, Patton, S., Patton, T., Perry, Peterson, Redfern, Reed, Reidelbach, Sayre, Schaffer, Schlichter, Schneider, Setzer, Skindell, Smith, G., Smith, S., Stewart, J., Strahorn, Taylor, Uecker, Wagner, Webster, White, Widowfield, Willamowski, Williams, Wolpert, Yuko.

To amend section 3767.30 of the Revised Code to prohibit protest activities within 300 feet of the site of a funeral service during and within one hour before and after the service and to prohibit protest activities within 300 feet of a funeral procession.

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

**Am. H. B. No. 576**-Representatives McGregor, R., Buehrer, Reinhard, Carmichael, Allen, Aslanides, Barrett, Beatty, Blasdel, Blessing, Bocchieri, Book, Brown, Bubp, Carano, Cassell, Chandler, Coley, Collier, Combs, Core, DeBose, DeGeeter, DeWine, Distel, Dolan, Domenick, Driehaus, Evans, C., Evans, D., Faber, Fende, Fessler, Flowers, Garrison, Gibbs, Gilb, Hagan, Hartnett, Harwood, Healy, Hood, Hoops, Hughes, Key, Kilbane, Koziura, Latta, Law, Mason, McGregor, J., Mitchell, Oelslager, Otterman, Patton, S., Patton, T., Perry, Peterson, Raussen, Redfern, Reed, Reidelbach, Sayre, Schaffer, Schlichter, Schneider, Seitz, Setzer, Skindell, Smith, G., Smith, S., Stewart, D., Stewart, J., Strahorn, Sykes, Taylor, Uecker, Wagner, Wagoner, Webster, White, Widener, Widowfield, Willamowski, Williams, Wolpert, Yates, Yuko, Ujvagi.

To amend section 3333.26 of the Revised Code to provide college tuition waivers to spouses and qualifying former spouses of members of the United States armed forces killed in the line of duty in a combat zone after May 7, 1975.

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

**S. B. No. 324**-Senator Fingerhut.

To amend Section 203.99.21 of Am. Sub. H.B. 66 of the 126th General Assembly and to amend Section 203.99 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended, to require the Department of

Development to establish two new foreign trade offices in India and two new foreign trade offices in China, to transfer moneys for this purpose from the Budget Stabilization Fund, and to make an appropriation.

To the Committee on Finance and Financial Institutions.

**S. B. No. 325**-Senators Miller, D., Fingerhut, Dann, Zurz, Roberts, Prentiss, Fedor, Miller, R..

To provide funding to the Department of Job and Family Services for adult protective services and to make an appropriation.

To the Committee on Finance and Financial Institutions.

**S. B. No. 326**-Senators Grendell, Dann, Schuring, Zurz, Hagan, Miller, D., Fingerhut, Miller, R., Fedor.

To enact section 107.31 of the Revised Code to recognize that the Governor possesses a common law deliberative process privilege, and to provide that the Governor does not possess an absolute or qualified gubernatorial-communications privilege.

To the Committee on Judiciary - Civil Justice.

YES - 5: J. KIRK SCHURING, KIMBERLY A. ZURZ, C. J. PRENTISS, JEFF JACOBSON, BILL HARRIS.

NO - 0.

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

The report of the committee was accepted.

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

#### **REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Schuring submitted the following report:

The Standing Committee on Rules to which were referred the appointments by the Governor of:

**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.

**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.

**Lawrence M. Anthony**, Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the Chemical Dependency Professional Board for a new term beginning March 31, 2006 and ending at the close of business December 23, 2008.

**Susan C. Benes**, Independent, from Columbus, Franklin County, Ohio as a Member of the Ohio Optical Dispensers Board for a new term beginning April 14, 2006 and ending at the close of business March 21, 2011.

**Benson S. A. Bonyo**, Republican, from Akron, Summit County, Ohio, as a Member of the Ohio University College of Osteopathic Medicine Advisory Board for a term beginning April 21, 2006 and ending at the close of business November 16, 2011, replacing Robin Newburn, whose term expired.

**Howard L. Calhoun**, Republican, from Akron, Summit County, Ohio, as a Member of the Wildlife Council for a new term beginning March 10, 2006 and ending at the close of business January 31, 2010.

**Alison A. Clarey**, from Dayton, Montgomery 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 George Thomas, whose term expired.

**Jennifer L. Ganson**, Independent, from Urbana, Champaign County, Ohio, as a Member of the Emergency Response Commission for a term beginning March 10, 2006 and ending at the close of business January 13, 2008, replacing Joan Brasaemle, who retired.

**Gary C. Grant**, Republican, from Continental, Putnam County, Ohio, as a Member of the Wildlife Council for a new term beginning March 10, 2006 and ending at the close of business January 31, 2010.

**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.

**Allen L. Gruber**, Democrat, from Marion, Marion County, Ohio, as a Member of the Emergency Response Commission for a term beginning March 10, 2006 and ending at the close of business January 13, 2008, replacing Thomas Crowthers, who resigned.

**Patrick D. Guanciale**, Republican, from Newark, Licking County, Ohio, as a Member of the State Fire Commission for a new term beginning March 10, 2006 and ending at the close of business October 31, 2010.

**Michael W. Hall**, Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Optical Dispensers Board for a new term beginning April 14, 2006 and ending at the close of business March 21, 2011, replacing Robert Lawner, whose term expired.

**Ann Hamilton**, from Columbus, Franklin County, Ohio, as a Member of the Chemical Dependency Professional Board for a term beginning March 31, 2006 and ending at the close of business December 23, 2007, replacing Linda Swenson, who resigned.

**Howard H. Harcha, Jr.**, Republican, from Portsmouth, Scioto County, Ohio, as a Member of the State Board of Orthotics, Prosthetics, and Pedorthics for a term beginning March 31, 2006 and ending at the close of business December 6, 2008, replacing Steven G. LaForge, whose term expired.

**Jessica B. Horne**, Democrat, from Cleveland, Cuyahoga County, Ohio, as a Member of the Chemical Dependency Professional Board for a new term beginning March 31, 2006 and ending at the close of business December 23, 2008.

**Carolyn S. Ireland**, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Chemical Dependency Professional Board for a new term beginning March 31, 2006 and ending at the close of business December 23, 2008.

**Mark R. Mankins**, from Reynoldsburg, Franklin County, Ohio, as a Member of the State Board of Emergency Medical Services for a new term beginning March 17, 2006 and ending at the close of business November 12, 2008.

**Joel D. Marx**, Democrat, from Pepper Pike, Cuyahoga County, Ohio, as a Member of the 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.

**William L. Ommert**, Republican, from Norwalk, Huron County, Ohio, as a Member of the Emergency Response Commission for a new term beginning March 10, 2006 and ending at the close of business January 13, 2008.

**James W. Osborn**, from Amanda, Fairfield County, Ohio, as a Member of the State Board of Emergency Medical Services for a term beginning March 17, 2006 and ending at the close of business November 12, 2008, replacing Albert Gatka, whose term expired.

**Thomas Perk**, Republican, from Valley View, Cuyahoga County, Ohio, as a Member of the Emergency Response Commission for a term beginning March 10, 2006 and ending at the close of business January 13, 2008, replacing Frances Beasley, whose term expired.

**Jack R. Pounds**, Republican, from Dublin, Franklin County, Ohio, as a Member of the Emergency Response Commission for a new term beginning March 10, 2006 and ending at the close of business January 13, 2008.

**Dana G. Rinehart**, Republican, from Dublin, Franklin County, Ohio, as a Member of the 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.

**Richard N. Whitney**, Republican, from Dublin, Delaware County, Ohio, as a Member of the Chemical Dependency Professional Board for a term beginning March 31, 2006 and ending at the close of business December 23, 2008, replacing Frederick N. Karaffa, whose term expired.

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

YES - 10: BILL HARRIS, JEFF JACOBSON, RANDY GARDNER, ROBERT F. SPADA, STEPHEN C. AUSTRIA, J. KIRK SCHURING, TOM ROBERTS, TERESA FEDOR, KIMBERLY A. ZURZ, C. J. PRENTISS.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Dann
Fedor	Fingerhut	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Kearney	Miller D	Miller R
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuring	Spada	Stivers
Wachtmann	Zurz		Harris-31.

So the Senate advised and consented to said appointments.

## HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

**Sub. S. B. No. 238**-Senators Niehaus, Schuring, Clancy, Padgett, Carey, Spada, Armbruster, Coughlin, Dann, Fedor, Harris, Kearney, Prentiss, Roberts, Zurz, Miller, R., Austria, Wilson, Miller, D. Representatives Martin, Allen, Calvert, Cassell, Collier, DeBose, DeGeeter, Distel, Domenick,

Driehaus, Evans, C., Fende, Garrison, Hartnett, Harwood, Key, Otterman, Raussen, Seitz, Smith, G., Stewart, D., Strahorn, Williams, Yates, Patton, T..

To amend sections 109.57, 109.572, 109.60, 1347.08, 1717.14, 2151.011, 2151.281, 2151.353, 2151.416, 2151.421, 3107.014, 3107.015, 3107.016, 3107.17, 3109.16, 3109.17, 5101.141, 5101.29, 5101.35, 5101.72, 5101.99, 5103.031, 5103.033, 5103.034, 5103.035, 5103.036, 5103.038, 5103.039, 5103.0311, 5103.0312, 5103.0313, 5103.0315, 5103.07, 5104.01, 5104.11, 5104.31, 5153.01, 5153.111, 5153.122, 5153.16, 5153.17, 5153.60, 5153.61, 5153.62, 5153.63, 5153.64, 5153.65, 5153.66, 5153.67, 5153.70, 5153.71, 5153.72, 5153.73, 5153.74, 5153.75, 5153.76, 5153.77, and 5153.78; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 5153.60 (5103.30), 5153.61 (5103.35), 5153.62 (5103.36), 5153.63 (5103.362), 5153.64 (5103.363), 5153.65 (5103.37), 5153.66 (5103.39), 5153.67 (5103.391), 5153.70 (5103.38), 5153.71 (5103.41), 5153.72 (5103.42), 5153.73 (5103.421), 5153.74 (5103.422), 5153.75 (5153.125), 5153.76 (5153.126), 5153.77 (5153.127), and 5153.78 (5103.32); to enact sections 2151.423, 5101.13, 5101.131, 5101.132, 5101.133, 5101.134, 5103.301, 5103.302, 5103.303, 5103.31, 5103.33, 5103.34, 5103.361, 5103.40, 5153.123, 5153.124, and 5153.166; and to repeal sections 5103.037, 5153.68, and 5153.69 of the Revised Code to revise the law governing child welfare and other laws regarding the Department of Job and Family Services, were taken up.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted - yeas 0, nays 31, as follows:

Those who voted in the negative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Dann
Fedor	Fingerhut	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Kearney	Miller D	Miller R
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuring	Spada	Stivers
Wachtmann	Zurz		Harris-31.

So the Senate did not concur in the amendments of the House of Representatives.

The amendments of the House of Representatives to:

**Am. Sub. S. B. No. 269**-Senators Amstutz, Austria, Clancy, Gardner, Grendell, Jacobson, Jordan, Padgett, Schuler, Wachtmann, Zurz, Spada, Roberts, Fingerhut, Dann, Armbruster, Carey, Goodman, Harris, Kearney,



Schuring Representatives Seitz, Latta, Gilb, Schaffer, Gibbs, Strahorn, Collier, Hagan, Kilbane, Allen, Barrett, Brown, Carano, Cassell, Chandler, Core, DeBose, Domenick, Evans, C., Evans, D., Fessler, Flowers, Garrison, Hartnett, Harwood, Hughes, Law, McGregor, J., Oelslager, Otterman, Patton, S., Patton, T., Reidelbach, Setzer, Smith, G., Taylor, Ujvagi, Webster, Willamowski, Wolpert, Yuko.

To amend section 5741.02 of the Revised Code to exempt from the use tax items held by a person, but not for that person's own use, and donated to a charitable organization, or to the state or its political subdivisions for exclusively public purposes, were taken up.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Dann
Fedor	Fingerhut	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Kearney	Miller D	Miller R
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuring	Spada	Stivers
Wachtmann	Zurz		Harris-31.

So the Senate concurred in the amendments of the House of Representatives.

### **BILLS FOR THIRD CONSIDERATION**

**H. B. No. 163**-Representatives Widener, McGregor, Wagner, C. Evans, Setzer, Kearns, Oelslager, Widowfield, Seaver, Schaffer, Latta, Wagoner, Reidelbach, Webster, Evans, D., Hughes, Willamowski, Calvert, Cassell, Domenick, Flowers, McGregor, R., Patton, T., Perry, Smith, G. Senators Dann, Grendell, Zurz.

To enact sections 2152.202 and 2925.511 of the Revised Code to authorize a court sentencing a drug abuse offender or imposing disposition on a delinquent child for such an offense to require the offender or child to reimburse involved law enforcement agencies for the costs of tests that determined that a substance involved in the offense contained a controlled substance, was considered the third time.

The question being, "Shall the bill, **H. B. No. 163**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Dann
Fedor	Fingerhut	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Kearney	Miller D	Miller R
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuring	Spada	Stivers
Wachtmann	Zurz		Harris-31.

So the bill passed.

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

Senator Jordan moved to amend the title as follows:

Add the name: "Carey."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 374**-Representatives Hughes, Latta, Webster, Allen, Flowers, Uecker, Evans, D., McGregor, J., Skindell, Brown, Fende, Sayre, Combs, Otterman, Ujvagi, Wagoner, Yuko, Chandler, Barrett, Strahorn, Gilb, Seitz, Willamowski, Beatty, Book, Calvert, Cassell, Daniels, DeBose, DeGeeter, Domenick, Evans, C., Faber, Key, Law, Oelslager, Patton, T., Perry, Reidelbach, Schaffer, Schlichter, Schneider, Setzer, Smith, G., Stewart, D. Senators Grendell, Dann, Zurz, Kearney.

To amend sections 2917.46, 2933.41, 3313.206, 5502.61, and 5502.62 and to repeal section 3301.076 of the Revised Code to abolish the children's safety program known as the Block Parent Program in the State Board of Education, to establish in its place the McGruff House Program in the Division of Criminal Justice Services of the Department of Public Safety, to create the offense of unauthorized use of a McGruff house symbol, and if a citizens' reward program has entered into an agreement of affiliation with a board of county commissioners, to permit instead of require specified law enforcement agencies to pay 25 per cent of the proceeds from the sale of forfeited property to that citizens' reward program, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 374**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Dann
Fedor	Fingerhut	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Kearney	Miller D	Miller R

Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuring	Spada	Stivers
Wachtmann	Zurz		Harris-31.

So the bill passed.

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

Senator Jordan moved to amend the title as follows:

Add the names: "Stivers, Clancy."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 458**-Representatives Core, Webster, McGregor, J., Fessler, Setzer, Reinhard, Seitz, Hartnett, Reidelbach, Aslanides, Gibbs, Dolan, Schlichter, Distel, Domenick, Sayre, Widener, Cassell, Barrett, Blessing, Brown, Buehrer, Calvert, Coley, Collier, Combs, Daniels, DeBose, Evans, C., Faber, Flowers, Hughes, Law, Otterman, Schaffer, Skindell, Smith, G., Uecker, Wagoner, Williams, Yates.

To amend sections 4741.01, 4741.02, 4741.03, 4741.09, 4741.11, 4741.12, 4741.14, 4741.16, 4741.17, 4741.171, 4741.19, 4741.20, 4741.21, 4741.22, 4741.221, 4741.24, 4741.26, 4741.31, and 4741.99, to enact new sections 4741.13 and 4741.28 and sections 4741.04, 4741.15, and 4741.40 to 4741.47, and to repeal sections 4741.13, 4741.27, and 4741.28 of the Revised Code to revise the veterinary practice law and to create the Veterinarian Loan Repayment Program, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 458**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Dann
Fedor	Fingerhut	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Kearney	Miller D	Miller R
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuring	Spada	Stivers
Wachtmann	Zurz		Harris-31.

So the bill passed.

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

Senator Mumper moved to amend the title as follows:

Add the names: "Mumper, Niehaus, Kearney."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 246**-Senators Schuring, Armbruster, Zurz, Hagan, Gardner, Clancy, Fedor, Mumper.

To amend sections 1701.03, 1705.03, 1705.04, 1705.53, 1785.01, 1785.02, 1785.03, 1785.08, 4723.16, 4725.33, 4729.161, 4731.226, 4731.65, 4732.28, 4734.10, 4734.15, 4734.16, 4734.17, 4734.19, 4734.31, 4734.311, 4734.34, 4734.36, 4734.37, 4734.38, 4734.39, 4734.47, 4734.49, 4734.50, 4734.55, 4734.99, 4755.471, 4762.01, 4762.02, 4762.09, 4762.10, 4762.11, 4762.12, and 4762.18 and to enact sections 4734.141, 4734.211, 4734.28, 4734.281, 4734.282, 4734.283, 4734.284, 4734.285, and 4734.286 of the Revised Code to permit a chiropractor who obtains a certificate to practice acupuncture from the State Chiropractic Board to practice acupuncture and to authorize a chiropractor to supervise the performance of acupuncture by acupuncturists registered by the State Medical Board of Ohio, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 246**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 1, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Dann
Fedor	Fingerhut	Gardner	Goodman
Grendell	Hagan	Hottinger	Jordan
Kearney	Miller D	Miller R	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuring	Spada	Stivers	Wachtmann
Zurz			Harris-30.

Senator Jacobson voted in the negative-1.

So the bill passed.

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

Senator Schuring moved to amend the title as follows:

Add the names: "Grendell, Miller, R., Harris, Niehaus, Spada, Prentiss, Stivers, Dann."

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

The motion was agreed to and the title so amended.

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

The following bills were introduced and considered the first time:

**S. B. No. 327**-Senators Austria, Carey, Zurz.

To authorize the conveyance of state-owned real estate in Ashtabula County, Champaign County, Clark County, Franklin County, Jefferson County, and Knox County that the Adjutant General has determined is no longer required for armory or military purposes to a buyer or buyers to be determined at a later date; to authorize the Adjutant General to transfer specified parcels of state-owned real estate no longer needed for armory or military purposes to the grantor of each parcel pursuant to the reversionary clause in each parcel's original deed; to authorize the conveyance of certain other state-owned real estate in Franklin County to the City of Columbus; to authorize the conveyance of certain other state-owned real estate in Franklin County to The Ohio State University; to authorize the Board of Trustees of The Ohio State University to convey certain state-owned real estate and an easement in Franklin County to the City of Columbus; to authorize the Board of Trustees of The Ohio State University to convey to a buyer or buyers to be determined at a later date certain state-owned real estate in Union County and in Franklin County; to authorize the Director of Administrative Services to sell certain state-owned real estate in Allen County to a buyer or buyers to be determined at a later date; to authorize the conveyance of certain state-owned real estate in Athens County to O'Bleness Memorial Hospital; to authorize the conveyance of certain state-owned real estate in Warren County to the Warren County Historical Society; to authorize the conveyance of certain state-owned real estate in Wayne County to a buyer or buyers to be determined at a later date; and to declare an emergency.

**S. B. No. 328**-Senators Fedor, Hagan, Miller, D., Zurz, Dann, Prentiss, Roberts, Fingerhut, Miller, R..

To amend sections 3313.6011, 4729.16, and 4731.22; to enact sections 1751.661, 3701.047, 3701.135, 3923.602, 3923.611, 4729.43, 4729.45, 4729.451, 4729.452, and 4729.453; to repeal section 3701.046 of the Revised Code; to amend Section 206.42.03 of Am. Sub. H.B. 66 of the 126th General Assembly; to amend Section 206.42.09 of Am. Sub. H.B. 66 of the 126th General Assesmbly, as subsequently amended; and to repeal Section 206.42.06 of Am. Sub. H.B. 66 of the 126th General Assembly regarding assistance for pregnancy prevention.

**S. B. No. 329**-Senator Kearney.

To amend sections 2923.20 and 2923.31 of the Revised Code to prohibit transferring a firearm to a person knowing or having reasonable cause to believe that person or the person's transferee intends to use it unlawfully or in the commission of an offense and to include a violation as "corrupt activity" under the Corrupt Activity Law.

**S. B. No. 330**-Senators Schuler, Armbruster, Austria, Cates, Clancy, Dann, Fingerhut, Miller, D., Spada, Wachtmann, Zurz.

To enact section 5.2234 of the Revised Code to designate October as "German Heritage Month."

**S. B. No. 331**-Senators Miller, D., Fingerhut, Dann, Fedor, Zurz, Prentiss, Hagan, Miller, R..

To amend sections 9.03, 124.93, 125.111, 153.59, 153.591, 176.04, 176.06, 340.12, 511.03, 717.01, 1501.012, 1751.18, 2915.08, 2927.03, 3113.36, 3301.53, 3304.14, 3304.50, 3313.481, 3314.06, 3332.09, 3721.13, 3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.04, 4112.05, 4112.08, 4117.19, 4735.16, 4735.55, 4757.07, 4758.16, 4765.18, 5104.09, 5107.26, 5111.31, 5119.61, 5123.351, 5126.07, 5515.08, and 5709.832 of the Revised Code to prohibit discrimination on the basis of sexual orientation.

**S. B. No. 332**-Senators Gardner, Fedor.

To amend section 307.041 of the Revised Code to require that the amount spent by counties on energy conservation measures be unlikely to exceed the amount saved in energy and operating costs over the average system life of the measures, and to require that financed measures be paid for within their average system life.

#### 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:

**Am. H. B. No. 312** - Representatives C. Evans, Trakas, DeGeeter, Yuko, Williams, Fende, Allen, S. Patton, D. Evans, Key, Chandler, Stewart, D., Law, Uecker, Hughes, DeWine, Wolpert, Brown, Sayre, Driehaus, White, Barrett, Blessing, Calvert, Combs, Flowers, Garrison, Harwood, Latta, McGregor, J., Mitchell, Otterman, Patton, T., Perry, Reidelbach, Schaffer, Schlichter, Setzer, Smith, G., Stewart, J., Taylor, Wagoner, Woodard, Book

To amend section 3501.29 of the Revised Code to ensure handicapped parking at polling places and to require the director of a board of elections to sign a statement verifying the availability of that parking before each election.

**Am. Sub. H. B. No. 149** - Representatives Calvert, Raga, McGregor, J., Evans, C., Latta, Aslanides, Hartnett, Chandler, Oelslager, Gibbs, Seitz, Gilb, Collier, Schaffer, Kilbane, Hagan, Barrett, Blessing, Buehrer, Cassell, Combs, Core, DeBose, DeGeeter, Dolan, Evans, D., Faber, Fende, Flowers, Garrison,

Healy, Hughes, Law, Martin, Mason, McGregor, R., Patton, T., Peterson, Reidelbach, Reinhard, Sayre, Schlichter, Schneider, Seaver, Setzer, Smith, G., Stewart, J., Trakas, Wagoner, Widener, Wolpert, Woodard, Yates, Yuko

To amend sections 5733.01, 5733.98, and 5747.98 and to enact sections 149.307, 5703.75, 5733.47, and 5747.76 of the Revised Code to authorize a nonrefundable tax credit for rehabilitating a historic building.

**Am. H. B. No. 393** - Representatives Patton, S., Evans, C., Schlichter, Cassell, McGregor, J., Allen, Gilb, Yuko, Combs, Beatty, Hartnett, Key, Woodard, Widowfield, Redfern, Ujvagi, Driehaus, Miller, DeBose, Flowers, Distel, Carano, Hughes, Reidelbach, Trakas, Law, Hood, Smith, S., Harwood, Strahorn, Wolpert, Boccieri, Oelslager, Willamowski, Skindell, Book, Brown, Otterman, Stewart, D., Sykes, Mitchell, Barrett, Buehrer, Chandler, Coley, Daniels, DeGeeter, Domenick, Faber, Fende, Garrison, Healy, Hoops, Kilbane, Latta, Mason, McGregor, R., Patton, T., Perry, Peterson, Raga, Raussen, Sayre, Schaffer, Schneider, Seaver, Smith, G., Stewart, J., Taylor, Wagoner, White, Williams, Yates

To enact section 5.2234 of the Revised Code to designate September 22 as "Emancipation Day."

**Am. Sub. H. B. No. 461** - Representatives Wolpert, Yuko, Ujvagi, Otterman, Healy, Latta, Evans, D., Gilb, Hughes, Barrett, Bulp, Cassell, Chandler, Collier, Combs, Core, Daniels, DeGeeter, Distel, Domenick, Evans, C., Faber, Fende, Fessler, Flowers, Gibbs, Hagan, Hartnett, Harwood, Kilbane, Law, Martin, Mason, McGregor, J., McGregor, R., Oelslager, Patton, T., Raussen, Reidelbach, Schaffer, Schlichter, Schneider, Smith, G., Stewart, J., Taylor, Wagner, Wagoner, Webster, White, Widener, Williams

To amend sections 2903.06, 2929.01, 2929.13, 2929.14, 2929.18, 2929.19, 2945.75, 2953.08, and 4511.19 and to enact section 2929.142 of the Revised Code to increase the prison term for aggravated vehicular homicide when the offender has prior OVI convictions or guilty pleas, to allow a certified copy of a BMV record to be used as proof of a prior conviction, and to expand the circumstances in which evidence on the concentration of alcohol, drugs of abuse, or a combination of them in a person's blood, breath, or urine may be admitted as evidence.

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. 294** - Representative Kilbane - et al.

**Am. Sub. H. B. No. 301** - Representative Seitz - et al.

Attest:

Laura P. Clemens,  
Clerk.

On the motion of Senator Jacobson, the Senate adjourned until Wednesday, May 17, 2006 at 1:30 p.m.

Attest:

DAVID A. BATTOCLETTI,  
Clerk.