

**OHIO**

**SENATE**

**JOURNAL**

WEDNESDAY, SEPTEMBER 14, 2005

NINETY-FOURTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, September 14, 2005, 11:00 o'clock a.m.**

The Senate met pursuant to adjournment.

Pursuant to Senate Rule No. 3, the Clerk called the Senate to order.

Senator Schuring was selected to preside according to the rule.

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

**MESSAGE FROM THE PRESIDENT**

Pursuant to Senate Rule No. 19, the President of the Senate temporarily appoints Senator Gardner to replace Senator Jacobson on the Standing Committee on Reference. Temporary appointment effective immediately and ending at the close of business on Wednesday, September 14, 2005.

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

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

**Sub. H. B. No. 104**-Representatives Martin, McGregor, Trakas, Wagoner, C. Evans, Perry, Seitz, Coley, Core, Harwood, Allen, Beatty, Blessing, Bulp, Buehrer, Carano, Cassell, Collier, DeBose, DeGeeter, Distel, Dolan, Domenick, Faber, Fende, Fessler, Flowers, Gibbs, Gilb, Hughes, Kearns, Latta, Mason, Miller, Oelslager, Otterman, S. Patton, T. Patton, Raussen, Reidelbach, Reinhard, Sayre, Schaffer, Schneider, Seaver, Setzer, Skindell, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Williams.

To amend sections 1345.51 and 1347.01 and to enact sections 1347.12, 1349.19, 1349.191, and 1349.192 of the Revised Code to require a state agency, person, or business to contact individuals residing in Ohio if unencrypted or unredacted personal information about those individuals that is maintained on the computers of the agency, person, or business is obtained by unauthorized persons and to authorize the Attorney General to investigate and enforce compliance with the requirements.

To the Committee on Judiciary - Criminal Justice.

**H. B. No. 157**-Representatives Distel, Aslanides, McGregor, S. Patton, Seitz, C. Evans, Carano, Cassell, Hartnett, Brown, Strahorn, Perry, Gibbs, Setzer, Domenick, Allen, Blessing, Book, Chandler, Coley, Collier, Core,

DeBose, Dolan, Driehaus, Fende, Flowers, Harwood, Hughes, Kearns, Key, Koziura, Latta, Law, Martin, Miller, Oelslager, Otterman, T. Patton, Reinhard, S. Smith, D. Stewart, J. Stewart, Taylor, Wagoner, Walcher, Williams, Woodard, Yates, Yuko.

To amend section 1541.31 of the Revised Code to revise the Pymatuning Lake Compact.

To the Committee on Environment and Natural Resources.

**S. B. No. 158**-Senators Wilson, Padgett, Miller, Dann, Hagan, Prentiss, Zurz, Fedor.

To amend sections 4510.02, 4510.036, 4511.21, 4511.33, 4511.41, 4511.42, 4511.43, 4511.431, 4511.44, 4511.441, 4511.45, 4511.451, 4511.46, 4511.47, and 4513.39 and to enact section 4501.14 of the Revised Code to provide for increased penalties when a person violates the motor vehicle traffic law assured clear distance ahead provision or commits a failure to yield the right-of-way offense that results in serious physical harm or death to another person.

To the Committee on Judiciary - Criminal Justice.

**S. B. No. 159**-Senator Mumper.

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 of recreational youth athletics.

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

**S. B. No. 160**-Senators Miller, Prentiss, Fingerhut, Dann.

To amend sections 4731.091, 4731.14, and 4731.281 and to enact sections 4731.093 and 4731.284 of the Revised Code to require instruction in cultural competency to qualify to obtain or renew a certificate of registration to practice medicine and surgery or osteopathic medicine and surgery.

To the Committee on Health, Human Services and Aging.

**S. B. No. 161**-Senators Fedor, Dann, Fingerhut, Roberts, Schuring, Zurz, Hagan.

To amend Section 206.87 of Am. Sub. H.B. 66 of the 126th General Assembly to reinstate the Legislative Office of Education Oversight and to make an appropriation.

To the Committee on Finance and Financial Institutions.

**S. B. No. 162**-Senators Roberts, Prentiss, Hagan, Brady, Zurz, Fedor, Miller, Dann, Mallory.

To amend sections 1321.56, 1321.60, 1322.02, 1322.08, 1322.09, 1322.11, 1345.01, 1349.25, 1349.27, 1349.29, and 1349.32 and to enact section 1349.39 of the Revised Code relating to civil penalties and advertisement requirements of licensed mortgage lenders; the application and civil penalties of the Mortgage Broker Law and duties and advertisements of mortgage brokers; the application of the Consumer Sales Practices Act relating to unfair and deceptive acts; the application, prohibitions, and civil penalties of the Consumer Credit Mortgage Loan Law and specifications about loans regulated under this law; and to enact consumer protection laws relating to mortgages.

To the Committee on Finance and Financial Institutions.

**S. B. No. 163**-Senator Roberts.

To enact section 4511.531 of the Revised Code to require bicycle operators and passengers under 18 years of age to wear protective helmets when the bicycle is operated on a roadway and to establish the Bicycle Safety Fund to be used by the Department of Public Safety to assist low-income families in the purchase of bicycle helmets.

To the Committee on Highways and Transportation.

**S. B. No. 164**-Senators Schuring, Gardner, Stivers, Schuler, Spada, Zurz, Brady.

To amend sections 3313.64 and 3314.03 and to enact sections 3313.718 and 3314.141 of the Revised Code to permit students of school districts, community schools, and chartered nonpublic schools to carry epinephrine medication approved by the students' physicians and parents, and to grant immunity to school districts, community schools, and chartered nonpublic schools and their employees for good faith actions in connection with this permission.

To the Committee on Education.

**S. B. No. 165**-Senators Brady, Hagan, Miller, Zurz, Wilson, Roberts, Dann.

To amend section 3901.78 and to enact sections 3901.41, 3901.781, 3901.782, 3901.783, and 3901.784 of the Revised Code to require the Superintendent of Insurance to issue certificates of compliance to insurance companies authorized to do business in this state but not incorporated under the laws of the state, to require these insurance companies to publish the certificates of compliance in every county where the companies have agencies, and to require all insurance companies licensed to transact business in this state to notify the Superintendent if the insurance company is disciplined in another state.

To the Committee on Insurance, Commerce and Labor.

**S. B. No. 167**-Senators Grendell, Zurz, Harris, Jacobson, Cates, Mallory, Brady, Amstutz, Armbruster, Carey, Dann, Gardner, Goodman, Miller, Roberts, Schuler, Schuring, Spada, Wachtmann, Wilson, Padgett, Austria, Clancy, Mumper, Hottinger, Niehaus, Jordan.

To establish, until December 31, 2006, a moratorium on the use of eminent domain by any entity of the state government or any political subdivision of the state to take, without the owner's consent, private property that is in an unblighted area when the primary purpose for the taking is economic development that will ultimately result in ownership of the property being vested in another private person, to create the Legislative Task Force to Study Eminent Domain and Its Impact on Land Use Planning in the State, and to declare an emergency.

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

**S. B. No. 171**-Senator Coughlin.

To amend section 1901.02 of the Revised Code to clarify that the former township of Northampton is no longer within the jurisdiction of the Akron Municipal Court.

To the Committee on Judiciary - Civil Justice.

**S. B. No. 172**-Senators Fedor, Dann.

To amend sections 121.02, 121.03, and 121.04 of the Revised Code to establish the Department of Public Advocate within the executive branch of state government.

To the Committee on Finance and Financial Institutions.

**S. B. No. 173**-Senators Miller, Wilson, Dann, Zurz, Fingerhut, Roberts, Hagan, Fedor, Brady.

To amend section 127.12 of the Revised Code to modify the membership of the Controlling Board.

To the Committee on Finance and Financial Institutions.

**S. B. No. 174**-Senators Niehaus, Clancy, Gardner, Stivers, Schuring, Harris, Armbruster, Fingerhut, Schuler, Miller, Padgett, Fedor, Carey, Mumper.

To enact section 5533.116 of the Revised Code to designate a portion of State Route 131 within Clermont County the "Sam Bateman Memorial Highway."

To the Committee on Highways and Transportation.

**S. B. No. 175**-Senators Goodman, Stivers, Clancy, Amstutz.

To enact section 5101.621 of the Revised Code to require that each county department of job and family services prepare a memorandum of understanding setting forth the normal operating procedures to be used when investigating abuse, neglect, and exploitation reports of older adults.

To the Committee on Health, Human Services and Aging.

**S. B. No. 176**-Senators Fedor, Roberts, Hagan.

To amend section 3314.02 of the Revised Code to amend the definition of a "challenged school district" where new start-up community schools may be located.

To the Committee on Education.

**S. B. No. 177**-Senator Grendell.

To amend section 319.302 of the Revised Code to extend the ten per cent real property tax rollback to certain land used for the commercial production of timber.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 178**-Senators Grendell, Harris, Mumper, Armbruster, Clancy, Schuler, Schuring, Stivers, Dann.

To amend sections 122.173 and 5733.33 of the Revised Code to clarify that eligibility for the grants and credits for purchases of new manufacturing property includes only the taxpayer that is the owner of the property for federal income tax purposes.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 179**-Senators Fingerhut, Armbruster, Spada.

To amend section 4301.99 and to enact section 4301.601 of the Revised Code to allow a wine manufacturer to deliver wine to a consumer in Ohio from a location within or outside Ohio under a delivery sale if certain requirements are fulfilled.

To the Committee on Agriculture.

**S. B. No. 180**-Senators Coughlin, Hottinger, Mumper, Stivers, Wachtmann, Jordan, Goodman, Wilson, Clancy.

To amend sections 307.081, 307.082, 4582.06, and 4582.31, to enact section 163.011, and to repeal section 719.011 of the Revised Code to prohibit the use of eminent domain authority when the primary purpose for the taking of real property is economic development.

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

**S. B. No. 181**-Senators Padgett, Harris, Clancy, Coughlin, Goodman, Grendell, Jacobson, Jordan, Mumper, Niehaus, Schuler, Wilson.

To amend section 1345.03 of the Revised Code to prohibit under the

Consumer Sales Practices Act the selling or leasing of specified goods or services during a federal or state emergency at a price substantially higher than that which occurred in the 30 days preceding the emergency.

To the Committee on Judiciary - Civil Justice.

**S. B. No. 182**-Senators Fingerhut, Harris.

To amend section 5901.08 of the Revised Code to authorize a county veterans service commission to waive the residency requirement for financial assistance under certain circumstances and to declare an emergency.

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

**S. C. R. No. 19**-Senators Hagan, Dann.

To urge the President and Congress of the United States to utilize all available trade remedy laws to prevent surges, dumping, and subsidized imports of steel pipes, tubes, and fittings into the United States market.

To the Committee on Insurance, Commerce and Labor.

**S. C. R. No. 20**-Senators Dann, Roberts, Hagan, Miller.

To urge the Ohio Attorney General to join the State of Connecticut in its lawsuit against the United States Secretary of Education regarding the mandates of the "No Child Left Behind Act of 2001" or, in the alternative, to explore the filing of a new lawsuit against the Secretary of Education regarding those mandates on behalf of the State of Ohio.

To the Committee on Education.

**S. J. R. No. 6**-Senators Coughlin, Hottinger, Mumper, Stivers, Wachtmann.

Proposing to amend Sections 3, 4, 10, and 11 of Article XVIII of the Constitution of the State of Ohio to eliminate the constitutional grant of eminent domain power to municipal corporations and to provide that the power only can be used when authority has been granted by the General Assembly.



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

YES - 3: J. KIRK SCHURING, RANDY GARDNER, 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 resolutions were considered a second time and referred to committee as recommended.

**MESSAGE FROM THE PRESIDENT**

Pursuant to Section 5111.881 (C) of H.B. No. 66 of the 126th General Assembly, the President of the Senate and the Speaker of the House of Representatives jointly appoint Senator Jordan to serve as Chair of the ICF/MR Conversion Advisory Council.

On the motion of Senator Wilson, the Senate adjourned until Thursday, September 15, 2005 at 11:00 o'clock a.m.

Attest:

MATTHEW T. SCHULER,  
Clerk.