OHIO

SENATE JOURNAL

WEDNESDAY, MARCH 12, 2003

TWENTY-SIXTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, March 12, 2003, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Richard Burnett, 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 Carnes reports for the Standing Committee on Reference, recommending that the following bills, standing in order for second consideration, be referred to committee as recommended:

S. B. No. 48-Senators Roberts, Fedor, Miller, Dann, Brady.

To amend section 3901.21 of the Revised Code to prohibit an insurer's use of a credit history or credit score in fixing a premium rate for, or the terms and conditions of, an insurance policy, or in determining whether to issue, continue, or renew an insurance policy.

To the Committee on Insurance, Commerce and Labor.

S. B. No. 49-Senators Hagan, DiDonato.

To amend section 5739.02 of the Revised Code to expand the sales tax exemption for sales of natural gas, and to extend the exemption to sales of propane.

To the Committee on Ways and Means and Economic Development.

S. B. No. 50-Senators Schuring, Stivers, Austria, Schuler, Coughlin, Fedor, Miller, Brady, Jacobson, Goodman, Harris.

To amend sections 109.42, 2919.25, 2919.251, 2919.26, 2919.27, and 3113.31 of the Revised Code to enhance the penalty for domestic violence for certain repeat offenders, to expand the authority for the issuance of a criminal domestic violence temporary protection order, to make other changes regarding criminal domestic violence temporary protection orders, civil domestic violence protection orders or consent agreements, and victims bill of rights, and to enhance the penalty for violating a protection order while committing a felony offense.

To the Committee on Judiciary - Criminal Justice.

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

JAMES E. CARNES
DOUG WHITE
BILL HARRIS
MARK MALLORY
GREGORY L. DIDONATO

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 Austria submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **Sub. S. B. No. 5**-Senator Jacobson, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Herington, Dann, Fedor.

YES - 7: DAVID GOODMAN, J. KIRK SCHURING, LEIGH E. HERINGTON, MARC DANN, TERESA FEDOR, STEVE AUSTRIA, JIM JORDAN.

NO - 0.

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

The report of the committee was accepted.

Senator Harris submitted the following report:

The standing committee on Finance and Financial Institutions, to which was referred **Sub. S. B. No. 6**-Senator Stivers, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Prentiss, Carnes, Carey, Hottinger.

YES - 13: C. J. PRENTISS, RON AMSTUTZ, KEVIN COUGHLIN, JAMES E. CARNES, DAVID GOODMAN, RANDY GARDNER, JOHN A. CAREY , BILL HARRIS, JEFF JACOBSON, JAY HOTTINGER, ERIC D. FINGERHUT, RAY MILLER, MARK MALLORY.

NO - 0.

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

The report of the committee was accepted.

Senator Carnes submitted the following report:

The standing committee on Rules to which were referred the appointments by the Governor of:

Colene S. Conley, Democrat, Medina, Medina County, Ohio, as a Member of the State Fire Commission for a new term beginning November 8, 2002 and ending at the close of business October 31, 2007.

Robert F. Gartner, Republican, Montville, Geauga County, Ohio, as a Member of the State Fire Commission for a new term beginning November 8, 2002 and ending at the close of business October 31, 2007.

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

YES - 10: DOUG WHITE, RANDY GARDNER, JAY HOTTINGER, JEFF JACOBSON, JAMES E. CARNES, BILL HARRIS, SCOTT R. NEIN, TERESA FEDOR, MARK MALLORY, GREGORY L. DIDONATO.

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 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
Dann	DiDonato	Fedor	Fingerhut
Randy Gardner	Robert Gardner	Goodman	Hagan
Harris	Herington	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Nein	Prentiss	Roberts	Schuler
Schuring	Spada	Stivers	Wachtmann
			White-33.

So the Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 5-Senators Jacobson, Amstutz, Austria, Coughlin, Randy Gardner, Goodman, Harris, Hottinger, Spada, Stivers, Herington, Dann, Fedor, Austria.

To amend sections 109.42, 109.57, 1923.01, 1923.02, 1923.051, 2152.02, 2152.19, 2152.191, 2152.82, 2152.83, 2152.84, 2152.85, 2901.07, 2907.07,

2919.24, 2929.01, 2929.13, 2929.19, 2929.21, 2935.36, 2950.01, 2950.02, 2950.03, 2950.04, 2950.05, 2950.06, 2950.07, 2950.08, 2950.081, 2950.09, 2950.10, 2950.11, 2950.12, 2950.13, 2950.14, 2950.99, 2971.01, 3319.20, 3319.31, 5139.13, 5321.01, and 5321.03 and to enact sections 2152.811, 2152.851, 2950.021, 2950.031, 2950.041, 2950.091, 2950.111, and 5321.051 of the Revised Code to modify the Sex Offender Registration and Notification Law by adopting most of the recommendations of the Governor s Sex Offender Registration and Notification Task Force, generally conforming the Law to federal guidelines, renaming as "child-victim oriented offenses" certain crimes against children not committed with a sexual motivation that currently subject offenders and delinquent children to the Law, exempting certain sexually oriented offenses committed by a first-time offender delinquent child against a person 18 years of age or older from the registration and related duties under the Law unless a judge removes the exemption, providing a penalty for failing to send a notice of intent to reside, clarifying that habitual sex offenders or habitual child-victim offenders in another jurisdiction are habitual sex offenders or habitual child-victim offenders under Ohio law, clarifying the Law s community notification provisions as applied to multi-unit buildings, specifying that convictions in courts of foreign nations are sexually oriented offenses or child-victim oriented offenses under the Law, prohibiting an offender who is subject to the Law from establishing a residence within 1,000 feet of any school premises, permitting landlords to evict such an offender from residential premises located within 1,000 feet of school premises, and making other changes in that Law; to eliminate from the offense of "importuning" a prohibition that the Supreme Court found to be unconstitutional; to amend the versions of sections 2152.19, 2929.01, 2929.13, and 2929.19 of the Revised Code that are scheduled to take effect on January 1, 2004, to continue the provisions of this act on and after that effective date; and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 9, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
Dann	DiDonato	Fedor	Fingerhut
Randy Gardner	Robert Gardner	Goodman	Hagan
Harris	Herington	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Nein	Prentiss	Roberts	Schuler
Schuring	Spada	Stivers	Wachtmann
			White-33.

So the section, Section 9, setting forth the emergency features of the bill, stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 32, nays 1, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
Dann	DiDonato	Fedor	Fingerhut
Randy Gardner	Robert Gardner	Goodman	Hagan
Harris	Herington	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Nein	Roberts	Schuler	Schuring
Spada	Stivers	Wachtmann	White-32.

Senator Prentiss voted in the negative-1.

So the bill having received the required constitutional majority passed as an emergency measure.

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

Senator Jacobson moved to amend the title as follows:

Add the names: Blessing, Carnes, Fingerhut, Jordan, Mumper, Roberts, Schuler, Schuring, Carey, Miller, Armbruster, Nein, Robert Gardner.

The motion was agreed to and the title so amended.

S. B. No. 6-Senators Stivers, Goodman, Jacobson, Spada, Harris, Robert Gardner, Randy Gardner, Fingerhut, Prentiss, Carnes, Carey, Hottinger.

To amend sections 339.89, 3701.03, 3701.04, 3701.06, 3701.07, 3701.13, 3701.14, 3701.15, 3701.16, 3701.17, 3701.19, 3701.22, 3701.23, 3701.24, 3701.241, 3701.25, 3701.34, 3701.35, 3701.352, 3701.501, 3701.56, 3701.57, 3701.99, 3707.06, 3715.02, 3901.46, 4736.01, and 6111.04; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 3701.16 (3701.161), 3701.17 (3701.162), 3701.23 (3701.221), and 3707.33 (3707.38); to enact new sections 3701.16, 3701.17, and 3701.23 and sections 3701.072, 3701.146, 3701.147, 3701.201, 3701.231, 3701.232, 3701.571, and 3707.34 of the Revised Code; and to amend Section 56.01 of Am. Sub. H.B. 94 of the 124th General Assembly, as subsequently amended, to modify the powers and duties of the Department of Health, Public Health Council, and boards of health relative to bioterrorism and other public health matters, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 6**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
Dann	DiDonato	Fedor	Fingerhut
Randy Gardner	Robert Gardner	Goodman	Hagan

Harris	Herington	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Nein	Prentiss	Roberts	Schuler
Schuring	Spada	Stivers	Wachtmann
			White-33.

So the bill passed.

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

Senator Stivers moved to amend the title as follows:

Add the names: Amstutz, Mumper, Austria, Miller.

The motion was agreed to and the title so amended.

MOTIONS

Senator Jacobson moved that Senators absent the week of Sunday, March 9, 2003, be excused, so long as a written request is on file with the Clerk pursuant to Senate Rule No.17.

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

The motion was agreed to.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 51-Senators Blessing, Armbruster, Randy Gardner, DiDonato, Spada, Roberts, Coughlin, Goodman, Harris, Miller, Brady, Fedor, Prentiss.

To amend sections 2305.234, 3701.262, 4715.02, 4715.03, 4715.13, 4715.14, 4715.16, and 4715.39, to enact new sections 4715.10 and 4715.11 and sections 3702.85 to 3702.95, to repeal sections 4715.10, 4715.11, and 4715.15 of the Revised Code, and to amend the version of section 2305.234 of the Revised Code that is scheduled to take effect January 1, 2004, to continue the provisions of this act on and after that effective date to make changes to the State Dental Board, to establish the dentist loan repayment program, and to make other changes to the laws governing dentistry in Ohio.

S. B. No. 52-Senator Brady.

To amend sections 511.27, 1545.21, 1901.07, 3501.01, 3501.02, 3501.17, 3503.16, 3505.01, 3505.32, 3509.01, 3509.03, 3509.05, 3511.02, 3511.04, 3511.11, 3513.01, 3513.05, 3513.12, 3513.121, 3513.151, 3513.262, 3513.30, 3517.10, 3517.106, 3517.11, and 5705.23 of the Revised Code to change the day of the primary election to the first Tuesday after the first Monday in May in each year and to change the date after which certain General Assembly candidates must file their campaign finance statements by electronic means of transmission from March 1, 2004, to May 1, 2004.

OFFERING OF RESOLUTIONS

Senator Hagan offered the following concurrent resolution :

S. C. R. No. 4-Senators Hagan, Dann.

To urge that the State of Ohio join with other states in creating a joint nonprofit pharmacy benefit manager to manage prescription plans for state employees and Medicaid recipients.

The question being, "Shall the concurrent resolution, **S. C. R. No. 4**, be adopted?"

On motion of Senator Randy Gardner, **S. C. R. No. 4**, was referred to the Committee on Reference.

Senator Hottinger offered the following resolution :

S. R. No. 173-Senator Hottinger.

Permitting the use of the Ohio Senate Chambers by the National Forensic League on April 12, 2003. WHEREAS, The members of the Senate of the 125th General Assembly of Ohio are pleased to grant permission for the Ohio Senate Chambers to be used by the National Forensic League for its Student Congress competition on April 12, 2003; and

WHEREAS, As part of its annual Student Congress competition, the National Forensic League will use the Ohio Senate Chambers on April 12, 2003, for a mock legislative debate. This activity will provide a unique opportunity for participants to experience firsthand rules and procedures similar to that of the state legislature and will help them to better understand the democratic process which is the cornerstone of our nation; and

WHEREAS, The knowledge which participants will gain through their involvement with the National Forensic League?s Student Congress competition will not only enrich their total educational experience, but will also prepare them to take a more active role in fulfilling their responsibilities as citizens of this great state and nation; and

WHEREAS, The Senate Chambers are an appropriate location for the National Forensic League's Student Congress activities. Following a true legislative format and held within the setting in which the lawmaking process normally takes place, the mock debates will provide the group's members with an excellent opportunity to engage in a simulation of government in action; therefore be it

RESOLVED, That we, the members of the Senate of the 125th General Assembly of Ohio, in adopting this Resolution, authorize the use of the Ohio Senate Chambers on April 12, 2003, by the National Forensic League for its Student Congress competition, contingent upon the availability of those facilities, and commend all those involved with this event on their civic

responsibility; and be it further

RESOLVED, That the Clerk of the Senate transmit a duly authenticated copy of this Resolution to the National Forensic League.

The question being, "Shall the resolution, , be adopted?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
Dann	DiDonato	Fedor	Fingerhut
Randy Gardner	Robert Gardner	Goodman	Hagan
Harris	Herington	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Nein	Prentiss	Roberts	Schuler
Schuring	Spada	Stivers	Wachtmann
			White-33.

So the resolution was adopted.

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

S. R. No. 174-Senator Jordan.

Honoring Brandon Luce as a 2003 Division I State Wrestling Champion.

S. R. No. 175-Senator Robert Gardner.

Honoring Roger and Norma Lillie on their Golden Wedding Anniversary.

S. R. No. 176-Senator Robert Gardner.

Honoring Jerry and Ann Joslin on their Golden Wedding Anniversary.

The question being, "Shall the resolutions listed under 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 passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 26 - Representatives Raga, Schneider, Willamowski, Widowfield, Oelslager, Driehaus, Harwood, Schmidt

To amend section 2301.02 of the Revised Code to add one additional judge for the general division of the Warren County Court of Common Pleas to be elected in 2004.

Attest: LAURA P. CLEMENS,
Clerk.

Said bill was considered the first time.

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:

H. J. R. No. 5 - Speaker Householder, et al.,

H. J. R. No. 6 - Speaker Householder, et al.

Attest: LAURA P. CLEMENS,
Clerk.

The President signed said joint resolutions.

Messages from the House not available

On motion of Senator Randy Gardner, the Senate adjourned until Thursday, March 13, 2003, 9:30 a.m..

Attest: MATTHEW T. SCHULER,
Clerk.