

OHIO

SENATE

JOURNAL

TUESDAY, MAY 13, 2003

FORTY-NINTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, May 13, 2003, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Joe Hochtchiss, Gahanna Community Congregational Church, Gahanna, 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 and resolution, standing in order for second consideration, be referred to committee as recommended:

S. B. No. 85-Senators Schuring, Stivers, Spada, Jacobson, Herington.

To enact section 317.082 of the Revised Code to prohibit the inclusion of an individual's social security number on copies of certain documents that are filed for recording in the office of the county recorder and to permit the removal of a social security number from certain records kept by the office.

To the Committee on Judiciary - Civil Justice.

Am. Sub. H. B. No. 39-Representatives Carmichael, Schmidt, Blasdel, Gibbs, Webster, D. Evans, Husted, Widowfield, Latta, DePiero, Fessler, DeBose, Schaffer, Willamowski, Grendell, Redfern, Allen, Seaver, Oelslager, Collier, Aslanides, Barrett, Beatty, Boccieri, Book, Brown, Buehrer, Calvert, Carano, Cates, Chandler, Cirelli, Clancy, Daniels, Distel, Driehaus, Flowers, Gilb, Hagan, Hartnett, Harwood, Hollister, Hoops, Hughes, Jerse, Jolivette, Key, Martin, Mason, McGregor, Niehaus, Olman, Otterman, T. Patton, Perry, Raga, Raussen, Reidelbach, Reinhard, Schlichter, Schneider, Setzer, Sferra, G. Smith, S. Smith, D. Stewart, Strahorn, Taylor, Ujvagi, Wagner, Walcher, Widener, Wilson, Wolpert, Woodard.

To amend sections 109.42, 2950.01, 2950.02, 2950.03, 2950.04, 2950.07, 2950.09, 2950.10, 2950.11, and 2950.13 of the Revised Code to require an offender who is convicted of or pleads guilty to rape that is not the rape of a child under thirteen years of age to comply with the Sex Offender Notification and Registration Law for twenty years and to automatically subject the offender to that Law's victim and community notification provisions.

To the Committee on Judiciary - Criminal Justice.

H. B. No. 108-Representatives Driehaus, Seitz, Redfern, Kearns, Hartnett, Skindell, Niehaus, Distel, Olman, Yates, S. Smith, Schneider, DePiero, Webster, Allen, DeBose, Harwood, Barrett, Raussen, Perry, Cirelli, Raga, Jerse, Domenick, Wilson, Hagan, Mason, Key, Book, Brown, Carano, Chandler, Collier, Daniels, Fessler, Flowers, Hollister, Hughes, Miller, Otterman, T. Patton, Price, Reidelbach, Schmidt, Seaver, Sferra, D. Stewart, J. Stewart, Strahorn, Widowfield, Woodard.

To amend section 169.03 of the Revised Code to require that notice of unclaimed funds be mailed to owners by holders of the funds either by regular or certified mail depending upon the value of the funds and to authorize charges for certain mailings of notices.

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

H. C. R. No. 16-Representative Wolpert.

Recognizing Neurofibromatosis Awareness Month, May 2003

To the Committee on Health, Human Services and Aging.

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

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Coughlin submitted the following report:

The standing committee on State and Local Government and Veterans Affairs, to which was referred **Sub. S. B. No. 55**-Senator Randy Gardner, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 9: KEVIN COUGHLIN, ROBERT GARDNER, J. KIRK SCHURING, ROBERT L. SCHULER, MARC DANN, TOM ROBERTS, DANIEL R. BRADY, STEVE STIVERS, LARRY A. MUMPER.

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:

Charles E. Call, Republican, from Stow, Summit County, Ohio, as a Member of the Technical Advisory Council on Oil and Gas for a new term beginning February 14, 2003 and ending at the close of business January 31, 2006.

James J. Carleton, from Tipp City, Miami County, Ohio, as a Member of the Emergency Response Commission for a new term beginning February 14, 2003 and ending at the close of business January 13, 2005.

Ricky D. Hoffman, From Bremen, Fairfield County, Ohio, as a Member of the Emergency Response Commission for a new term beginning February 14, 2003 and ending at the close of business January 13, 2005.

Philip D. Honsey, Republican, from Galion, Crawford County, Ohio, as a Member of the Forestry Advisory Council for a term beginning February 10, 2003 and ending at the close of business February 28, 2005, replacing Thomas M. Brown, whose resigned.

Lee C. Howley, Democrat, from Vermillion, Erie County, Ohio, as a Member of the Wildlife Council for a new term beginning February 14, 2003 and ending at the close of business January 31, 2007.

Kenneth A. LeBlanc, from Beavercreek, Montgomery County, Ohio, as a Member of the Emergency Response Commission for a new term beginning February 14, 2003 and ending at the close of business January 13, 2005.

Karen Stewart-Linkhart, Democrat, from Xenia, Greene County, Ohio, as a Member of the Wildlife Council for a new term beginning February 14, 2003 and ending at the close of business January 31, 2007.

Ralph L. Lloyd, from Carrollton, Carroll County, Ohio, as a Member of the Emergency Response Commission for a new term beginning February 14, 2003 and ending at the close of business January 13, 2005.

Richard K. Mavis, Democrat, from Mount Vernon, Knox County, Ohio, as a Member of the Solid Waste Management Advisory Council for a term beginning November 8, 2002 and ending at the close of business June 23, 2003, replacing Sally D. Beals, who resigned.

Charolotte Reese, Republican, from Columbus, Franklin County, Ohio, as a Member of the Technical Advisory Council on Oil and Gas for a new term beginning February 14, 2003 and ending at the close of business January 31, 2006.

Norman A. Schultz, Democrat, from Mentor, Lake County, Ohio, as a

Member of the Waterways Safety Council for a term beginning February 28, 2003 and ending at the close of business January 31, 2008, replacing Steven Ball, whose term expired.

J. Randal Van Dyne, from Findlay, Hancock County, Ohio, as a Member of the Emergency Response Commission for a new term beginning February 14, 2003 and ending at the close of business January 13, 2005.

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

YES - 11: DOUG WHITE, RANDY GARDNER, JAY HOTTINGER, JEFF JACOBSON, JAMES E. CARNES, BILL HARRIS, SCOTT R. NEIN, C. J. PRENTISS, 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.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Sub. S. B. No. 8-Senators Austria, Amstutz, Jacobson, Spada, Harris, Mumper, Randy Gardner, Prentiss, Miller, DiDonato, Fedor, Stivers, Herington, Goodman, Carey, Roberts, Brady, Schuring, Armbruster, Schuler, Coughlin, Carnes, Dann, Fingerhut, Hagan, Robert Gardner, Mallory, Nein. -Representatives Willamowski, Widowfield, DePiero, Allen, Aslanides, Barrett, Beatty, Boccieri, Brown, Carmichael, Cates, Chandler, Cirelli, Clancy, Daniels, DeBose, Distel, Domenick, C. Evans, D. Evans, Fessler, Flowers, Gibbs, Gilb, Grendell, Hagan, Hartnett, Harwood, Hughes, Kearns,

Key, Kilbane, Koziura, Latta, Martin, Mason, McGregor, Niehaus, Otterman, S. Patton, T. Patton, Perry, Price, Raussen, Redfern, Reidelbach, Schaffer, Schlichter, Schmidt, Seaver, Sferra, S. Smith, D. Stewart, J. Stewart, Sykes, Taylor, Ujvagi, Widener, Wolpert, Woodard, Yates.

To amend section 2903.211 of the Revised Code to expand menacing by stalking to prohibit the posting of a computer-related message with intent to urge or incite a person to illegally stalk another, to specifically include electronic communication and telecommunication as a pattern of conduct under the crime, and to clarify the nature of the mental distress that constitutes an element of the crime, 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 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 concurred in the amendments of the House of Representatives.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 53-Senators Goodman, Stivers, Jacobson, Randy Gardner, Dann, Herington, Austria.

To amend sections 109.57 and 109.572 and to enact section 109.571 of the Revised Code to ratify the National Crime Prevention and Privacy Compact, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 53**, 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
Nein
Schuring

Mallory
Prentiss
Spada

Miller
Roberts
Stivers

Mumper
Schuler
Wachtmann
White-33.

So the bill passed.

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

Senator Goodman moved to amend the title as follows:

Add the names : "Blessing, Schuler, Spada, Harris."

The motion was agreed to and the title so amended.

Sub. S. B. No. 55-Senators Randy Gardner, Stivers, Miller, Mumper, Schuler, Prentiss, Mallory, Austria, Carey, Dann, Herington, Fedor, Coughlin.

To amend sections 9.833, 3375.40, 3375.41, and 5705.281 and to enact section 3375.392 of the Revised Code to make changes to the law authorizing political subdivisions to self-insure for health care benefits; to revise the bidding threshold for public improvements applicable to free public libraries; to eliminate restrictions on group life insurance coverage offered by free public libraries to their employees; to allow a board of library trustees to authorize its employees to use a credit card held by the library to pay for library business expenses; and to allow the county budget commission to waive certain requirements relating to tax budgets or estimates of contemplated revenue and expenditures in any county in which a single library receives all of the county library and local government support fund or receives all of that portion of the fund that is distributed to libraries, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 55**, pass?"

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

Those who voted in the affirmative were: Senators

Amstutz
Brady
Dann
Randy Gardner
Harris
Jordan
Nein
Schuring

Armbruster
Carey
DiDonato
Robert Gardner
Herington
Mallory
Prentiss
Spada

Austria
Carnes
Fedor
Goodman
Hottinger
Miller
Roberts
Stivers

Blessing
Coughlin
Fingerhut
Hagan
Jacobson
Mumper
Schuler
Wachtmann
White-33.

So the bill passed.

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

Senator Randy Gardner moved to amend the title as follows:

Add the names : "Hagan, Harris, Spada."

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. 86-Senators Stivers, Miller, Goodman, Jacobson, Randy Gardner, Coughlin, Amstutz, Brady, Herington, Fedor.

To amend sections 2305.234, 3701.071, 4715.42, and 4731.295 of the Revised Code to extend immunity from liability for services provided by volunteer health care professionals and workers to more health care facilities and to nonprofit referring organizations, to increase the maximum allowable income of individuals who may be served by volunteers having immunity from liability, 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.

S. B. No. 87-Senators Dann, Miller, Coughlin, Brady.

To amend section 149.43 of the Revised Code to require that a public office or person responsible for public records provide copies of public records within ten days or, if the copies are provided by United States mail, within fifteen days, after receiving the request and to amend the version of section 149.43 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.

OFFERING OF RESOLUTIONS

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

S.R. No. 308 - Senator Herington.

Honoring Cole and Shirley Waite on their Golden Wedding Anniversary.

S.R. No. 309 - Senator Nein.

Honoring Willard and Elizabeth Lawson on their Golden Wedding Anniversary.

S.R. No. 310 - Senator Nein.

Honoring Donnie and Margaret Winglewich on their Golden Wedding Anniversary.

S.R. No. 311 - Senator Nein.

Honoring Ira and Pat Bolin on their Golden Wedding Anniversary.

S.R. No. 312 - Senator Nein.

Honoring William and Opsie Banks on their Golden Wedding Anniversary.

S.R. No. 313 - Senator Nein.

Honoring Luther and Marilyn Colliver on their Golden Wedding Anniversary.

S.R. No. 314 - Senator Jordan.

Honoring the Marion Local High School girls basketball team as the 2003 Division IV State Champion.

S.R. No. 315 - Senator Herington.

Honoring Kenneth and Lily West on their Golden Wedding Anniversary.

S.R. No. 316 - Senator Hagan.

Honoring James and Virginia Conroy on their Golden Wedding Anniversary.

S.R. No. 317 - Senator Hagan.

Honoring James and Eleanor Hughey on their Golden Wedding Anniversary.

S.R. No. 318 - Senator Hagan.

Honoring Thomas and Frieda Rohan on their Golden Wedding Anniversary.

S.R. No. 319 - Senator Hagan.

Honoring Don and Mary Smidt on their Golden Wedding Anniversary.

S.R. No. 320 - Senator Hagan.

Honoring Benjamin and Frances Lariccia on their Sixtieth Wedding Anniversary.

S.R. No. 321 - Senator Hagan.

Honoring Anthony and Josephine Corroto on their Golden Wedding Anniversary.

S.R. No. 322 - Senator Hagan.

Honoring Michael and Winifred Ginty on their Golden Wedding Anniversary.

S.R. No. 323 - Senator Hagan.

Honoring Ralph and Margaret Archer on their Golden Wedding Anniversary.

S.R. No. 324 - Senator Hagan.

Honoring Roy and Mary Kroll on their Sixtieth Wedding Anniversary.

S.R. No. 325 - Senator Mumper.

Honoring Kenneth and Janice Linstedt on their Golden Wedding

Anniversary.

S.R. No. 326 - Senator Mumper.

Honoring William and Doris Radel on their Golden Wedding Anniversary.

S.R. No. 327 - Senator Mumper.

Honoring Charles and Caroline Trapp on their Golden Wedding Anniversary.

S.R. No. 328 - Senator Mumper.

Honoring Pearl and Lucia Nicol on their Sixtieth Wedding Anniversary.

S.R. No. 329 - Senator Mumper.

Honoring Samuel and Mary Yoder on their Golden Wedding Anniversary.

S.R. No. 330 - Senator Mumper.

Honoring James and Sharron Fent on their Golden Wedding Anniversary.

S.R. No. 331 - Senator Mumper.

Honoring Hugh and Mary Ware on their Sixty-fifth Wedding Anniversary.

S.R. No. 332 - Senator Mumper.

Honoring Clarence and Lucille Studer on their Golden Wedding Anniversary.

S.R. No. 333 - Senator Mumper.

Honoring Calvin and Margaret Songer on their Golden Wedding Anniversary.

S.R. No. 334 - Senator Austria.

Recognizing Older Americans Month and Senior Citizens Day.

S.R. No. 335 - Senators Harris, Amstutz.

Honoring Ashland University on its One Hundred Twenty-fifth Anniversary.

S.R. No. 336 - Senator Roberts.

Honoring the Chaminade-Julienne High School girls basketball team as the Division II State Champions.

S.R. No. 337 - Senators Austria, Amstutz, Armbruster, Blessing, Brady, Carey, Carnes, Coughlin, Dann, DiDonato, Fedor, Fingerhut, Randy Gardner, Robert Gardner, Goodman, Hagan, Harris, Herington, Hottinger, Jacobson, Jordan, Mallory, Miller, Mumper, Prentiss, Roberts, Schuler, Schuring, Spada, Stivers, Wachtmann, White.

In memory of Charles E. Fry.

The question being, "Shall the resolutions listed under the President ' s

prerogative be adopted?"

So the resolutions were adopted.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 4928.58 of Am. Sub. S. B. No. 3 of the 123rd General Assembly, the President of the Senate appoints the following senators to serve on the **Public Benefits Advisory Board** :

Senator Spada

Senator DiDonato

Pursuant to Section 4981.02 (A) of the Ohio Revised Code, the President of the Senate appoints Senator Mumper to serve on the **Ohio Rail Development Commission** .

Pursuant to Section 4981.02 (A) of the Ohio Revised Code, the Minority Leader of the Senate appoints Senator Hagan to serve on the **Ohio Rail Development Commission** .

Pursuant to Section 3301.90 (C) of Am. Sub. H. B. No. 1 of the 123rd General Assembly, the President of the Senate appoints the following senators as non-voting members of the **Ohio Reads Council** :

Senator Robert Gardner

Senator Prentiss

Pursuant to Section 6 of Am. Sub. S. B. No. 261 of the 124th General Assembly, the President of the Senate appoints the following members to serve on the **Committee to Study State and Local Taxes** :

Senator Amstutz

Senator Schuler

Senator Fingerhut

Pursuant to Section 3 (A) of Am. Sub. H. B. No. 474 of the 124th General Assembly, the President of the Senate appoints the following members to serve on the **Compassionate Care Task Force** :

Senator Coughlin

Senator Jordan

Pursuant to Section 3 (A) of Am. Sub. H. B. No. 474 of the 124th General Assembly, the Minority Leader of the Senate appoints the following members to serve on the **Compassionate Care Task Force** :

Senator Hagan

Senator Brady

Pursuant to Section 101.39 of the Ohio Revised Code, the President of the

Senate appoints Senator Nein to replace Senator Spada on the **Joint Legislative Committee on Health Care Oversight** .

Pursuant to Section 5111.34 (A) (7) of Am. Sub. H. B. No. 94 of the 124th General Assembly, the President of the Senate appoints Senator Randy Gardner to serve on the **Nursing Facility Reimbursement Study Council** .

Pursuant to Executive Order 95-V, the President of the Senate appoints Senator Goodman to serve on the **Ohio Martin Luther King, Jr., Holiday Commission** .

On the motion of Senator Randy Gardner the Senate adjourned until Wednesday, May 14, 2003, 1:30 p.m.

Attest:

MATTHEW T. SCHULER,
Clerk.