OHIO

SENATE

JOURNAL

TUESDAY, JUNE 10, 2003

SIXTY-FIRST DAY
Senate Chamber, Columbus, Ohio
Tuesday, June 10, 2003, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Tonia McClanahan, Director of Youth Ministries, New Directions Youth Ministry, Greenfield, Ohio, followed by the Pledge of Allegiance to the Flag.

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

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 86-Senators Stivers, Miller, Goodman, Jacobson, Randy Gardner, Coughlin, Amstutz, Brady, Herington, Fedor, Wachtmann.

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 additional health care facilities and locations and to nonprofit health care referral 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, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 86**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	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-32.

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 : "Schuring, Mumper, Spada, Harris, Nein, Carey, Schuler, DiDonato, Prentiss, Robert Gardner, Armbruster, White."

The motion was agreed to and the title so amended.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bill was introduced and considered the first time:

S. B. No. 100-Senators Spada, Jacobson, Fedor.

To amend sections 2151.421, 2317.02, and 2901.13 of the Revised Code to require a member of the clergy, rabbi, priest, minister, or any person or layperson acting as a leader, official, delegate, or other designated function on behalf of any church, religious society, or faith to report the abuse or neglect of a child and to toll the statute of limitations for violations involving abuse or neglect of a child if certain individuals fail to report the abuse or neglect of the child.

OFFERING OF RESOLUTIONS

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

S. B. No. 410 - Senator Schuler.

Honoring Wesley and Pearl Ogdin on their Sixtieth Wedding Anniversary.

S. B. No. 411 - Senator Schuler.

Honoring Asa and Dorothy Humston on their Sixtieth Wedding Anniversary.

S. B. No. 412 - Senator Schuler.

Honoring Lou and Katherine Kaczmarek on their Golden Wedding Anniversary.

The question being, "Shall the resolutions 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 refused to concur in Senate amendments to

Am. Sub. H. B. No. 95 - Representative Calvert, et al.

Attest: Laura P. Clemens,
Clerk.

Senator Randy Gardner moved that the Senate insist on the Senate

amendments to **Am. Sub. H.B. No. 95**, and ask for a Committee of Conference.

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

The motion was agreed to.

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 bill:

Sub. S. B. No. 47 - Senator Stivers, et al.

Attest: Laura P. Clemens,
Clerk.

The President signed said bill.

On motion of Senator Randy Gardner, the Senate recessed until 4:00 o'clock p.m.

The Senate met pursuant to recess.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives accedes to the request of the Senate for a committee of Conference on the matters of difference between the two houses on **Am. Sub. H. B. No. 95** - Representative Calvert, et al., and that the Speaker of the house has appointed as managers on the part of the House on such matters of difference: Representatives Calvert, Hoops and Jerse.

Attest: Laura P. Clemens,
Clerk.

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:

Am. Sub. S. B. No. 5 - Senators Jacobson, Amstutz, Austria, Coughlin, Randy Gardner, Goodman, Harris, Hottinger, Spada, Stivers, Herington, Dann, Fedor, Blessing, Carnes, Fingerhut, Jordan, Mumper, Roberts, Schuler, Schuring, Carey, Miller, Armbruster, Nein, Robert Gardner. Representatives Latta, Callender, Oelslager, DePiero, Faber, D. Evans, Grendell, Gilb, Willamowski, Seitz, Allen, Aslanides, Blasdel, Boccieri, Brown, Buehrer, Calvert, Carano, Carmichael, Cates, Cirelli, Clancy, Collier, Core, Daniels, DeBose, DeWine, Distel, Domenick, C. Evans, Flowers, Gibbs, Hagan, Hartnett, Harwood, Hoops, Hughes, Husted, Jolivette, Martin, McGregor, Olman, S. Patton, T. Patton, Perry, Peterson, Raga, Raussen, Reidelbach, Schaffer, Schlichter, Schmidt, Schneider, Seaver, Setzer, Sferra, G. Smith, Taylor, Trakas, Ujvagi, Wagner, Walcher, Webster, Widener, Widowfield, Wolpert, Young.

To amend sections 109.42, 109.57, 325.32, 1923.01, 1923.02, 1923.051, 2152.02, 2152.19, 2152.191, 2152.82, 2152.83, 2152.84, 2152.85, 2743.191, 2743.69, 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 311.171, 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, permitting a sheriff to charge a fee to register, register a change of residence address of, or verify a residence address of an adult offender who is required to register under the Law, 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 expand the purposes for which payments may be made from the Reparations Fund; to amend the versions of sections 109.42,

2152.02, 2152.19, 2743.191, 2929.01, 2929.13, 2929.19, 2929.23, 2950.01, 2950.99, and 5321.01 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.

As a substitute bill with the following additional amendements, in which the concurrence of the Senate is requested:

In line 80, delete "2950.022,"

Delete lines 4189 through 4206

In line 4482, delete "or is a"

Delete line 4483 In line 4484, delete "of this amendment"

In line 4851, after "complete" delete the balance of the line

In line 4852, delete all before "and"

In line 4876, after the comma delete the balance of the line

Delete line 4877

In line 4878, delete "registration,"

In line 4924, delete ", make, model, year, and color"

Reinsert line 4925

In line 4926, delete ", and any"

Delete lines 4927 and 4928

In line 4929, delete "child's name"

In line 5223, after "registering" delete the balance of the line

Delete line 5224

In line 5225, delete all before "and"

In line 5443, reinsert "on"; delete "year on the day that is ten"

In line 5444, delete "days before the"

In line 5510, after the comma delete the balance of the line

Delete line 5511

In line 5512, delete all before the final "the"

In line 5519, after the period delete the balance of the line

Delete lines 5520 through 5526

In line 6030, delete "either of"

Delete line 6031

In line 6032, delete "(1) Any" and insert "any"

In line 6036, delete the underlined semicolon and insert an underlined period

Delete lines 6037 through 6040

In line 6054, delete "Subject to division"

Delete lines 6055 through 6059

In line 6233, after the period delete the balance of the line

Delete lines 6234 through 6237

In line 6238, delete all before "The"

In line 6684, after "and" delete the balance of the line

Delete line 6685

In line 6686, delete all before "may"

In line 6693, reinsert "or"; delete the underlined comma

In line 6696, delete ", or the habitual sex offender was"

Delete line 6697

In line 6698, delete all before the comma

In line 6708, after the underlined period delete the balance of the line

Delete lines 6709 through 6713

In line 6921, after the underlined period delete the balance of the line

Delete lines 6922 through 6926

In line 6927, delete "of this section."

In line 7205, delete "regarding"

Delete lines 7206 and 7207

In line 7208, delete "delinquent child,"

In line 7214, delete "or the habitual"

Delete lines 7215 and 7216

In line 7217, delete "effective date of this section"

In lines 7294 and 7323, reinsert "or"; delete ", or (d)"

In line 7364, after the second underlined comma insert "or"; delete ", or (d)"

In line 7389, reinsert "offender or"; delete "sexually oriented offense or child-victim"

Delete lines 7390 through 7393

In line 7394, delete all before "delinquent"

In line 7396, reinsert "offender or"

In line 7398, delete "the offender or delinquent child"

In line 7407, reinsert "offender or"; delete "sexually oriented offense or child-victim"

Delete lines 7408 through 7414

In line 7415, delete "to this section, or the"

In line 7416, reinsert "(C)(2) or"

In line 7427, strike through "committed"

In line 7428, delete "prior to the effective date of"

In line 7429, delete "this amendment"

Delete lines 7437 through 7448

In line 7454, reinsert "or"; delete ", or (d)"

In line 7481, reinsert "or"

In line 7482, delete ", or (d)"

In line 7618, delete "for an offense"

In line 7619, delete all before the underlined comma

In line 7621, delete "committed prior"

In line 7622, delete all before the underlined comma

In line 7627, reinsert "or"; delete "is a habitual sex"

Delete lines 7628 and 7629

In line 7630, delete all before "delinquent"

In line 7632, after "determination" insert "regarding a delinquent child"

In line 7633, after "Code" delete the balance of the line

Delete lines 7634 and 7635

In line 7636, delete "whichever is applicable"

In line 7711, delete "(1)"; delete "an"

In line 7712, delete all before "a"

In line 7719, delete all after the period

Delete lines 7720 through 7723

In line 7725, delete "(2)"

In line 7743, reinsert "offender or"; delete "sexually oriented offense or child-victim"

Delete lines 7744 through 7747

In line 7748, delete "offense, or the"

In line 7750, reinsert "offender or"

In line 7753, after the first "the" insert "offender or"

In line 7760, reinsert "offender or"; delete "sexually oriented offense or child-victim"

Delete lines 7761 through 7767

In line 7768, delete "to this section, or the"

In line 7769, reinsert "(C)(2) or"

In line 7780, strike through "committed"

In line 7781, delete "prior to the effective date of"

In line 7782, delete "this amendment"

Delete lines 7790 through 7802

In line 7806, delete "prior"

In line 7807, delete "to the effective date of this amendment"

In line 8173, delete the underlined semicolon

Delete lines 8174 and 8175

In line 8176, delete all before the period

In line 8177, reinsert "in"; delete "may do any of the following:"

In line 8178, delete "(1) In "

In line 8179, reinsert "may"

In line 8185, delete the underlined semicolon

Delete lines 8186 through 8190

In line 8191, delete all before the period

In line 11 of the title, delete "2950.022,"

In line 46 of the title, after the semicolon delete the balance of the line

Delete lines 47 through 60 of the title

In line 61 of the title, delete "Fund;"

Attest: Laura P. Clemens,
Clerk.

Said amendments were laid over under the rule.

MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rule 30, the President of the Senate appoints the following members to serve on the **Conference Committee** on **Sub. H. B. 95** of the 125th General Assembly:

Senator Harris

Senator Amstutz

Senator Fingerhut

On the motion of Senator Harris the Senate adjourned until Wednesday, June 11, 2003 at 1:30 p.m.

Attest: MATTHEW T. SCHULER,
Clerk.